









# History of Georgia

By

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ATKINSON, MENTZER & COMPANY

BOSTON      NEW YORK      CHICAGO

ATLANTA      DALLAS

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13-2-1915

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## PREFACE

In the preparation of this text I have followed the newer tendencies in historial writing. Many uninteresting details which serve only to confuse the pupil have been omitted. Among such details are the minor events of the successive gubernatorial administrations, the careers of men of slight importance, and descriptions of military campaigns. The space gained by these omissions I have given to matters of fundamental importance in the social and economic development of the state. The economic motive behind the settlement of North Georgia; the development of the cotton industry; the growth and effects of slavery; the history of education and of transportation, are some of the matters treated in detail. Other new features are the unusual amount of space given to the post-bellum period; the large number of maps; and the appendix on the civil government of Georgia.

I have kept constantly in view the necessity of writing a usable book. The manuscript was read and criticised by a number of public school and normal school teachers of the state, and I am led to hope from their opinions that a text constructed along the above lines will prove acceptable to teachers and pupils.

Where the book is used for very young people, I suggest the omission of Chapters V, XI, XIV, XIX, XXV.

I am under deep and lasting obligations to the many friends who placed at my disposal historical materials and photographs, and especially to those who read the manuscript in whole or in part. I wish to acknowledge particularly the assistance of Pro-

fessor Willis H. Bocock, whose friendly criticisms and suggestions made while reading the proof greatly improved the form and content of the volume. I am also glad of the opportunity to express my appreciation of the many courtesies extended me by Mr. W. J. DeRenne, who has rendered a valuable public service in collecting the sources of our state history.

R. P. BROOKS.

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Athens, Ga.

October, 1913.

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# IMPORTANT DATES IN GEORGIA HISTORY

- 1539. Hernando de Soto traverses Georgia.
- 1732. Charter granted by King George II.  
Oglethorpe sails from England with the first emigrants.
- 1733. Oglethorpe reaches Georgia, February 12th. Savannah begun.
- 1734. Salzburgers come.
- 1735. Augusta begun.
- 1736. Scots settle at Darien.  
Frederica marked out.
- 1739. Oglethorpe invades Florida.
- 1742. Spaniards invade Georgia.  
Battle of Bloody Marsh.
- 1743. Oglethorpe's final departure from the colony.
- 1752. Resignation of the Trustees.  
Coming of the Dorchester Colony.
- 1754. Georgia becomes a Crown Colony.
- 1763. Close of French and Indian War. Georgia's boundary extended to the St. Mary's River.
- 1776. Lyman Hall, Button Gwinnett and George Walton sign the Declaration of Independence.
- 1777. First state constitution.
- 1778. Georgia adopts Articles of Confederation.  
British take Savannah.
- 1779. French and Americans attack Savannah.
- 1782. British withdraw from Georgia.
- 1783. Close of Revolution. Georgia claims lands westward to the Mississippi River.
- 1783-1800. Coming of the Virginians and Carolinians to Middle Georgia.

- 1784. Charter of the University of Georgia.
- 1788. Georgia adopts the Federal Constitution.
- 1789. Second state constitution.
- 1793. Cotton gin invented in Georgia.
- 1794-1796. Yazoo Frauds.
- 1795. Louisville made the capital.
- 1798. Third state constitution.
- 1801. Opening of University of Georgia.
- 1802. Georgia cedes western lands to United States.
- 1803. Milledgeville laid out and designated as the capital.  
Establishment of the land lottery.
- 1807. First meeting of legislature in Milledgeville.
- 1819. First steamship to cross the Atlantic sails from Savannah.
- 1826. Creek Indians leave Georgia.
- 1833. Georgia Railroad and Banking Company chartered.  
Central of Georgia Railroad chartered.
- 1836. Western and Atlantic Railroad authorized to be constructed as a state-owned road.  
Emory College chartered.  
Wesleyan Female College chartered.
- 1837. Mercer University chartered.
- 1838. Cherokees expelled from Georgia.
- 1842. Crawford W. Long discovers anaesthesia.
- 1845. Supreme Court established.
- 1851. Howell Cobb elected Governor on platform advocating Clay's Compromise.
- 1861. Georgia secedes from the Union.  
Fourth state constitution.
- 1864. Sherman destroys Atlanta.  
Sherman's March to the Sea.
- 1865. President Johnson reconstructs Georgia. Thirteenth Amendment adopted.  
Fifth state constitution.
- 1867. Congress overthrows the Johnson government.
- 1868. Fourteenth Amendment to the Federal Constitution adopted.  
Sixth state constitution.

1870. Final reconstruction of Georgia. Fifteenth amendment adopted.
1871. Public school system put in operation.
1877. Seventh state constitution.  
Atlanta becomes the capital.
1879. State Railroad Commission established.
1892. Rise of Populist Party.
1895. Cotton States and International Exposition.
1904. Local self-taxation for schools authorized.
1906. Court of Appeals established.  
Agricultural high schools established.  
State College of Agriculture established.
1907. Legislature passes a state-wide prohibition law.
1908. Disfranchisement of negroes.  
Abolition of the convict lease system.  
Beginning of good roads movement.
1912. Constitutional amendment making high schools a part of the state school system.



OGLETHORPE MONUMENT AT SAVANNAH.

# History of Georgia

## CHAPTER I

### GEORGIA: THE LAND

#### The Importance of Geography

The history of a country properly begins with a study of its geography, for without such a study it is impossible to understand the life of the people. The ways in which Georgians make their living, their political opinions and social and educational conditions are largely the results of the situation and climate of the state. An illustration of the powerful influence of physical conditions is afforded by the early experience of our people on the seacoast. The founders of the colony prohibited the holding of slaves, because it was intended that the settlers should produce wine and silk, and in these light employments slaves would not be needed. But climatic conditions were such that these industries did not succeed. Georgians turned their attention to rice growing, and as the coast was swampy and malarious, it seemed necessary to allow the introduction of slaves. The whole subsequent history of Georgia was affected

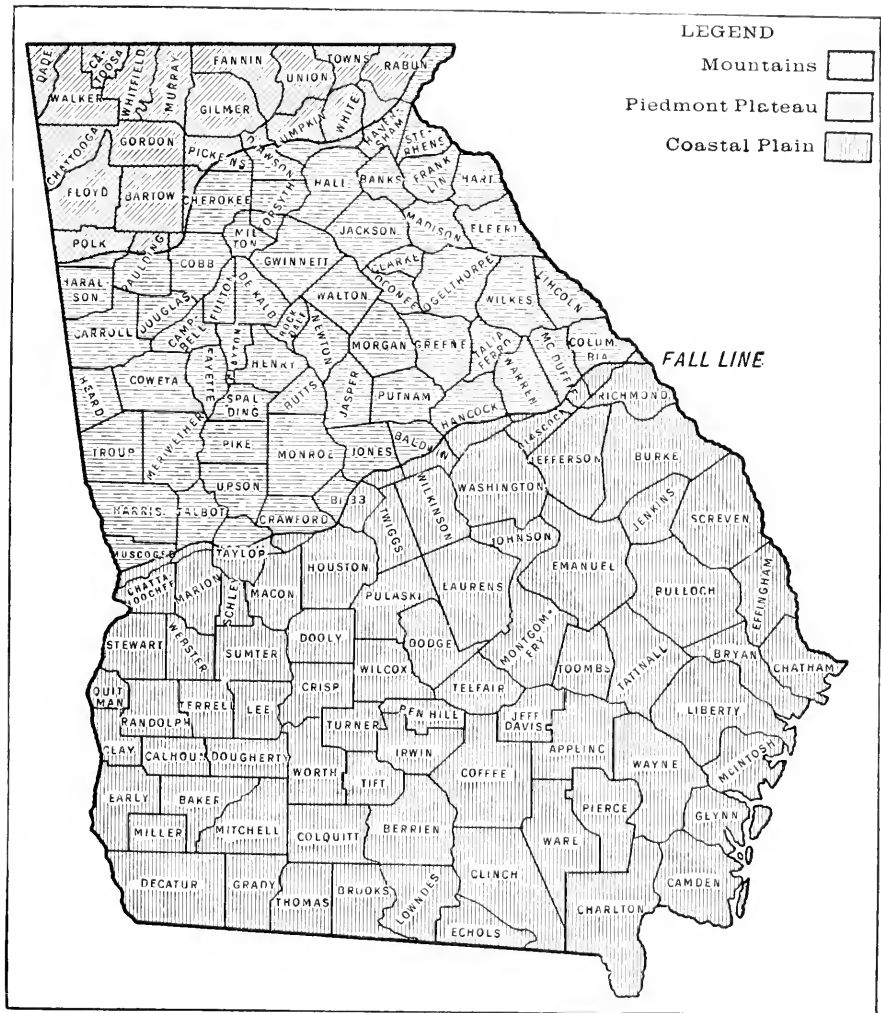
by this change from a free labor system to the use of slaves. Instances could be multiplied, but this illustration is sufficient to show the student how necessary it is to know something of the climate and soils of a state, if he would rightly understand her history.

### Area and Boundaries

With an area of 59,475 square miles, Georgia ranks twentieth in size among the states of the Union. No other state east of the Mississippi has so great an area. Georgia is one of the South Atlantic States, lying between  $30^{\circ} 31' 39''$  and  $35^{\circ}$  North latitude, the length of the state being about 320 miles; and  $81^{\circ}$  and  $85^{\circ} 53' 38''$  longitude, west from Greenwich, the greatest width of the state being about 254 miles. Georgia was once very much larger than she now is, but, because of circumstances later to be mentioned, part of her territory was lost. The present boundaries are North Carolina and Tennessee on the north; the Savannah River and the Ocean on the east; Florida on the south; the Chattahoochee River and Alabama on the west.

### The Mountains of North Georgia

If the entire state could be viewed from some outside point, say from a ship off Tybee, it would present the appearance of a vast inclined plane, with the highest points on the North Carolina-Tennessee border and the lowest at the seaboard. The northern part of the state is crossed by the Appalachian sys-



PHYSICAL MAP OF GEORGIA.

*Reprod. from Merrill, F. A., "Geography of the Soils of Georgia."*

tem of mountains, extending from New Hampshire to Alabama. In Virginia, North Carolina and Georgia, the Appalachians appear as two chains with a wide valley between. The western chain is known as the Alleghenies. This chain crosses the extreme

northwestern corner of Georgia. The mountains are broad-topped and are not of great height, Lookout Mountain being the highest, about 2400 feet above sea level. The coal mines of Georgia are here located, in Dade and Walker Counties. The Appalachian Valley separates the Alleghenies from the Blue Ridge, which covers northeast Georgia. The



WATERFALL IN NORTH GEORGIA.

Blue Ridge mountains, with their irregular, sharp-pointed peaks attain a much greater elevation than the Alleghenies. The highest peaks are Sitting Bull, 5,046 feet above sea level, and Enota, 4,798 feet. Both of these peaks are in Towns County. The Blue Ridge section is noted for its beautiful valleys, swift streams and picturesque waterfalls.



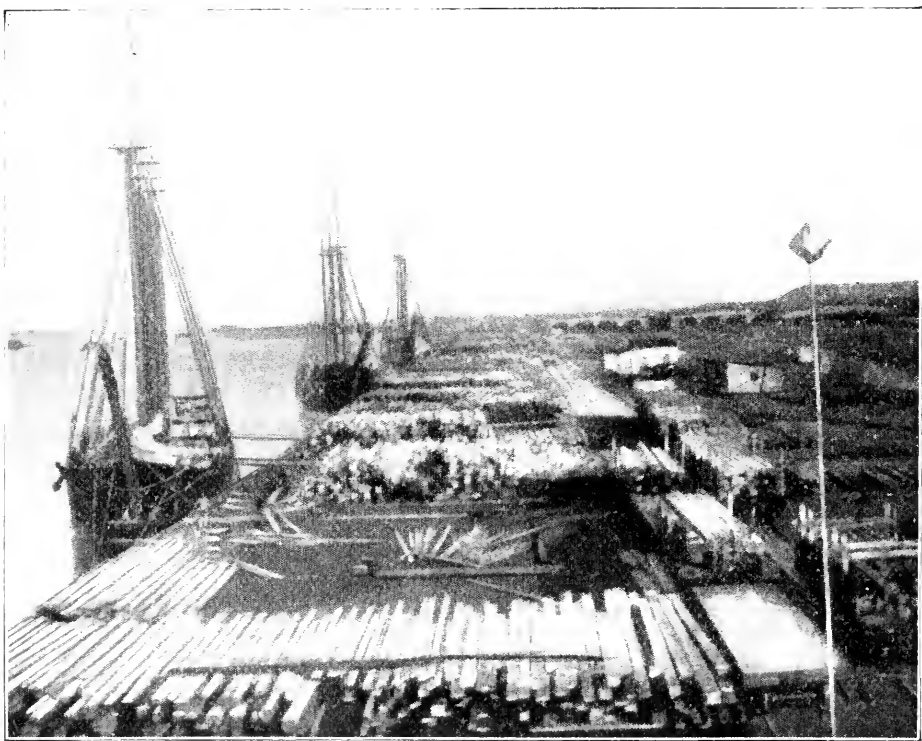
## The Piedmont Plateau

Below the mountains comes a rolling, broken and hilly country known as the Piedmont Plateau. The word "Piedmont" means foothills. The mountains do not cease abruptly, but gradually shelve off as one approaches Middle Georgia. The Piedmont section extends to a line connecting Augusta and Columbus, and passing through Macon. The elevation varies from 1500 feet above sea level to 300 feet at the southern limit of the region. The soil is a mixture of sandy land and red clay. It is naturally very fertile, but on account of the rolling character of the country, it easily washes away. This part of Georgia is more densely settled than any other section; it has been the most important agricultural region; and is now leading the other sections in the development of manufacturing.

## The Fall Line

The dominance of Piedmont Georgia in manufacturing is due to her abundant supply of water power. The presence of mountains in North Georgia and the shelving nature of the land south of the mountains determine the course of the rivers. Practically all the important streams of the state rise in the mountains or foothills and flow southward, seeking the Gulf of Mexico or the Ocean. So long as the rivers are running between mountain ridges or tumbling among the foothills, the streams are rapid and full of

shoals and waterfalls. The power generated by the swiftly flowing streams is used to turn the machinery of cotton mills and other manufacturing plants. The rivers change their character, however, when they leave the Piedmont and break into the Coastal Plain.



SHIPPING LUMBER AT SAVANNAH.

The line connecting the points on the several rivers at which they leave the Piedmont is known as the Fall Line. Below these points the streams are broad and deep, and flow slowly. Augusta, Milledgeville, Macon and Columbus are on the fall line. These towns

were built where they are, not by accident, but by design. Going northward from the Atlantic or the Gulf, boats find smooth water to these towns, but beyond, travel and transportation must leave the rivers, because the rapids and falls make them impassable. Large towns, therefore, grew up at the limit of navigation. From them wagon roads radiated into the surrounding country; the farmers hauled their cotton and other products to the towns; flatboats, and, later, steamboats were used to convey the products to the ports and to carry supplies upstream to the market towns.

### **The Coastal Plain**

Below the Piedmont section lies the great coastal plain of Georgia, covering some 35,000 square miles, more than half the total area of the state. While this region is on the whole level and flat, it is not by any means so monotonous as many have supposed. The elevation varies from 100 to 350 feet above sea level, though hills occur as high as 700 feet. There is a wide variety of soils, but for the most part it is sandy with a clay foundation. This section was formerly covered with pine forests, though they are now rapidly disappearing, the soil being appropriated to agriculture. The forests are the basis of the lumber and turpentine industries of the State. A characteristic feature of the plain is the wiregrass which carpets the earth in south central and southeast Geor-

gia. The Coastal Plain was until recently sparsely populated, but now that improved methods of tillage and the use of commercial fertilizers are making the cultivation of the sandy soils profitable, a large population is being attracted, and South Georgia promises to rival the Piedmont as an agricultural region.

### The Seacoast

Georgia has a sea frontage of 126 miles. The coast is not mountainous and rugged as is the case in New England, but is almost flat. The indentations of the coast at the mouths of the rivers and the sounds between the mainland and the islands that fringe the coast provide excellent harbors. Parts of the coast are swampy and malarious. The climate has not proved attractive to white people and the population is, therefore, small, except in Chatham County, containing the city of Savannah.<sup>1</sup> Rice production was formerly the leading agricultural interest of the seaboard counties, but periodical freshets and storms, labor troubles, and the competition of the rice fields of the West, have crippled the industry.

### Climate

Owing to the great length of the State and the fortunate physiographic variations, eight of the nine climate belts of the United States are represented in

---

<sup>1</sup> Now that modern science has taught us how to conquer malaria, we may expect ere long a large white population on the coast.

Georgia, though it is only at the top of the mountains that the lowest of these temperature conditions occurs. The mean annual temperature of the Piedmont Plateau is between  $60^{\circ}$  and  $65^{\circ}$  Fahrenheit, while below the fall line the mean annual temperature is between  $65^{\circ}$  and  $70^{\circ}$ . For the whole State, the mean July temperature is  $81.8^{\circ}$ . With this unusual



PALMETTO GROVE ON THE GEORGIA COAST.

climate, varying from the temperate to the subtropical, and with soils of widely different characteristics, it is possible to produce in Georgia almost any sort of crop. Her agricultural interests are, therefore, quite varied, ranging from apples in the mountains to cotton and corn in the middle regions and sugar and rice in the southern section. Only three

states in the Union surpass Georgia in the total value of agricultural products.

*Additional Reading:*

Merrill, F. R., *Geography of the Soils of Georgia*. Published by the Georgia Club of the State Normal School, Athens, Ga. Copies may be had on application.

## CHAPTER II

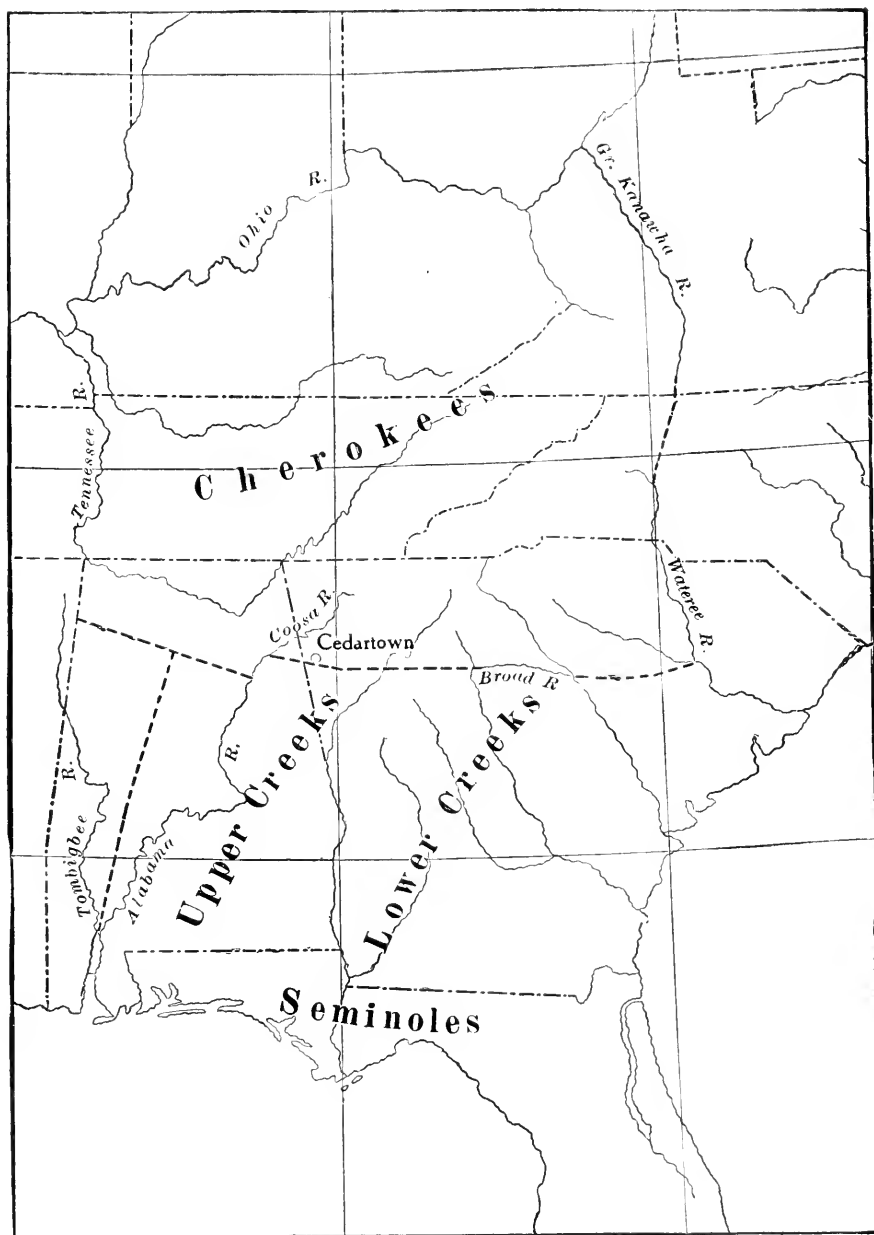
### THE ABORIGINES OF GEORGIA

#### The Name "Indian"

The voyages which led to the discovery of America were undertaken for the purpose of finding a western route to the East Indies, and when the islands now known as the West Indies were reached, the discoverers thought they had succeeded in their endeavor. The native people, or aborigines, were, therefore, called "Indians," and the name, oddly enough, became permanently attached to them. These natives were scattered over the entire continent of North America, from the frozen North to Florida and from the Atlantic to the Pacific. The total population was very small, not more than half a million for the whole continent north of Mexico. East of the Mississippi it has been estimated that there were about 200,000 Indians at the time of the discovery of the New World. There are at the present time about 400,000 Indians in North America.

#### The Southeastern Indians

There were four principal nations or tribes of Indians in the southeastern part of what is now the



ORIGINAL LANDS OF CHEROKEES AND CREEKS.



United States, namely, the Cherokees, Creeks, Chickasaws and Choctaws. Of these only the Cherokees and Creeks played an important part in the history of Georgia. The Cherokees were the most civilized and one of the most powerful of all the American Indian nations. Their original territories embraced all of the states of Kentucky and Tennessee, the western parts of West Virginia, Virginia, North Carolina and South Carolina, and the northern portions of Georgia and Alabama. Their southern boundary in Georgia was approximately a line drawn from Elberton to Cedartown.

The Creeks or Muscogeas were a confederacy of numerous tribes, occupying all of Georgia south of the Cherokees, central and eastern Alabama and Florida. In Georgia they were known as Lower Creeks; in Alabama, Upper Creeks, while in Florida they were called Seminoles. In later chapters the story of the gradual acquisition of the Indian lands by Georgia will be told. We are at present concerned only with the life and customs of the natives in their primitive condition.

### Indian Characteristics

The Indians were of a dark reddish color, strong, well proportioned, active, nimble footed, and capable of enduring great physical suffering. Their hair was lank, dark and coarse, and their eyes small, sharp and black. The accounts of white men who lived

among them as traders and government agents differ as to their mental traits. By some they are pictured as cunning, deceitful, revengeful and dishonest; others thought them honest, hospitable to strangers, kind hearted and industrious. The last Royal Governor of Georgia, Sir James Wright, wrote of the Creeks as "a most base treacherous people and in whom you can have no confidence or dependence." The Cherokees he had found "much more civilized and better disposed."

### Indian Dress

General Oglethorpe, the founder of Georgia, left a description of the Indian mode of dress, of which the following is an abridgment. The men wore a sort of trunks, covering the middle portion of the body, the women a short skirt, reaching to the knees. In winter both sexes wore a mantle about two yards square, "which they wrap round their bodies as the Romans did their toga." These mantles were sometimes of European make, bought from traders; sometimes of native dressed skins. To complete the costume, the Indians wore sandals or moccasins made of leather. The aborigines were skillful in preparing skins for clothing and also knew how to weave blankets and rugs. They had a curious habit of painting their bodies. Oglethorpe mentions seeing Indians painted red, blue, yellow, and black. Various

sorts of ornaments were worn, such as feathers in the hair, necklaces of beads, and earrings.

### The Indian Village

The Indians usually lived in village communities. Their houses were often framed structures and were sometimes whitewashed inside and out. In addition to his dwelling, each head of a family had a corn house, a poultry house and a hot house. The hot house was built of heavy timber and was plastered with mud. There were no openings, except a low door. When this was closed, the structure was practically air tight and cold proof. Here the Indians slept in winter, lying around a fire which was kept constantly burning. How they endured the smoke is a mystery.

Near the center of the village was a public square, in which were located the "Great House" and the "Council House." The former consisted of four single-storied houses enclosing a court. Public meetings, feasts and dances occurred there. The Council House was erected at a corner of the square. It was conical in shape and from twenty-five to thirty feet in diameter. This building was the meeting place of the "mico" and his council.

### Political Arrangements

The small number of Indians belonging to any one tribe or nation and the fact that their settlements

were scattered over a wide territory made any sort of government over the whole tribe impossible, even if the Indians had felt the need of organized government. While the aborigines scattered over many thousands of square miles might call themselves Cherokees or Creeks, there was only a very slight bond between the villages. Each village was in fact a little nation in itself. If the Creeks desired to go to war, each town decided independently whether or not it would take the war path. There were at the close of the eighteenth century thirty-eight Creek towns. A government agent who lived among them at that time wrote that they were never unanimously in favor of any war, so that the nation might be at war with the Cherokees or Chickasaws and half of the villages send no warriors. The government of each village was vested in a chief, known as the mico, a war chief, and a council. The mico was chosen by the warriors of the village from a certain clan or family, and held his office for life. His opinion was of great weight in determining the policy of the town. Society was, however, democratic. Outside the council room, the mico was in no way set apart from his fellow citizens. The war-chief owed his position to his renown in battle. He led in all military excursions and presided over the council in the absence of the mico. The council was composed of the older warriors of the village.

## Tribal Wars

The various tribes of Indians were seldom at peace with one another for long periods. Quarrels over hunting grounds appear to have been a fruitful cause of war. The Indian method of warfare was quite unlike that of civilized peoples. There was no formal declaration of war, no marching forth in battle array. Usually a small party of from twenty to forty would steal cautiously upon the enemy and attack them by night or lie in ambush for returning hunting parties. They often resorted to tricks to conceal their presence and to disguise their numbers, such as wearing the hoofs of buffaloes or marching in single file, each man stepping in the track made by the warrior just ahead. When lying in ambush, they would communicate with one another by imitating the calls of wild birds or beasts. The slain in battle were always scalped and often dismembered. A warrior's standing in his tribe depended on the number of scalps he took. Captives were treated with the utmost cruelty, burning at the stake being the usual form of torture. In this sport the women and children joined with great zest. The victim stoically bore the torment, pride preventing his showing any sign of suffering.

## Religion

The Indians believed in the immortality of the soul and in future rewards or punishments for their

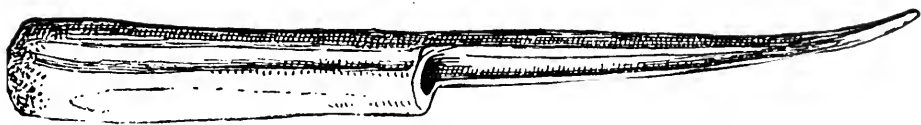
lives on earth. They worshipped the sun as the giver of life, light and heat. They were very superstitious, believing in evil spirits, which they were accustomed to appease by incantations and charms of one sort and another. The Southern Indians did not worship idols. The High-Priest was an important personage in each village. He was believed to hold personal communion with the invisible spirits and was regarded as a mediator between them and the red men. The warrior's idea of heaven was a limitless hunting ground, and he was invariably buried with bow, arrows and spear, that he might not be without weapons in the other world.

### Agriculture

The earliest account we have of the Southern Indians is found in the notes kept by one of de Soto's companions, in 1539, during his noted exploration of this region.<sup>1</sup> At that time the Georgia Indians were living in villages, had wooden houses, and while depending principally on the chase for food, had

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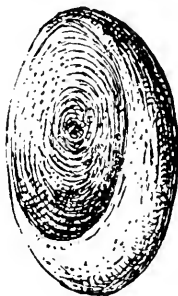
<sup>1</sup> Hernando de Soto, the Spanish explorer, came to Florida in 1539. Marching northward, the adventurer led his army into what is now Georgia. The Spaniards crossed the Ocmulgee, Oconee and Ogeechee Rivers and reached the bank of the Savannah. They followed the Savannah as far north as the mountains, where they turned sharply to the west. Skirting the mountains, de Soto's party reached the Coosa River and followed its valley into Alabama. The explorers finally reached the Mississippi River in 1541. De Soto died shortly afterward and was buried in the great river.



1



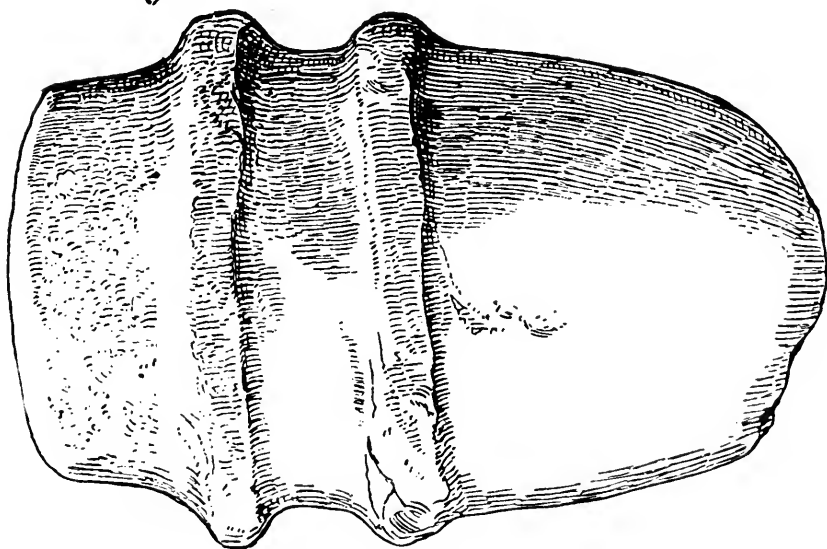
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## INDIAN IMPLEMENTS.

1 PIECING INSTRUMENT MADE OF A DEER'S TIBIA.

2 and 4 ARROW HEADS.

3 MORTAR FOR CRUSHING CORN.

5 AXE.

Reproduced by permission from Jones, C. C., "Antiquities of the Southern Indians" (Appleton).

passed the nomadic stage and looked to agriculture for part of their sustenance. DeSoto's diarist records that the savages grew corn, beans and pumpkins, preserved plums by drying them, made oil from bear's fat and from walnuts, and, of course, used the native fruits, such as the strawberry. Most of the accounts of Indian life were written in the eighteenth century. Agriculture had by that time become the principal means of livelihood of the Cherokees and Creeks, game having become scarce. Their towns were commonly located on streams, because there the land was most fertile. Each dwelling had a garden, in which were planted peas, beans and early ripening corn. The larger fields were devoted exclusively to corn production. When the proper season arrived, certain days were set apart for planting, and all the able-bodied inhabitants of the town turned out and worked on the coöperative plan. In some towns the women did all this work; in others, the men assisted. The implement in ordinary use was a hoe, consisting of a fish bone or flat stone fixed upon a wooden handle. Though the planting and cultivating were done coöperatively, hedges divided the fields into individual holdings and each warrior gathered the crop from his own part of the field.

### Manufacturing

The activity of English and French traders in supplying the Indians with cloth, beads, paint and a



wide variety of articles of iron, tended to check the progress of the natives in manufacturing. They were, however, skillful workers in stone. No steel or iron implements were used until the white man came, but in spite of this hindrance the Indians made beautiful arrowheads, spearheads, stone pipes, trumpets and mortars for grinding corn. Another accomplishment was the art of making earthenware of many designs. Articles for personal adornment were made from shells. Spinning and weaving, the dressing of skins and the art of dyeing were in common use among Cherokees and Creeks.

### Marriage Customs

The marriage customs of the aborigines varied from tribe to tribe. Among the Creeks the matches were always made by the female relatives of the interested persons. Having decided on a girl, the young buck sent his aunts, cousins and sisters to consult with the women of the girl's family. If the overtures met with favor, the prospective bridegroom built a cabin, planted and gathered a crop, went on the hunt and brought back meat, and then received the maiden into his hut. There was nothing sacred about the marriage, it was not sanctioned by a priest, and could be dissolved at the desire of either the man or the woman. If a separation occurred, the children became the property of the mother. The Cherokees

practiced monogamy, but the Creeks had as many wives as they could support.

### Funeral Customs

The Creeks buried their dead in a pit under the cabin of the deceased. The pit was about four feet square, and the body was placed in a sitting position. Gun, tomahawk and pipe were deposited with the corpse. Immediately on the death of a Cherokee his body was washed, anointed and placed in front of his lodge. After a period of mourning, the body was carried three times around the hut, and then buried in a pit under the floor. The Choctaws placed the dead body on a scaffold eighteen or twenty feet above the ground. When only the skeleton remained, it was taken down and placed in a bone house. After a considerable number of skeletons had accumulated, a funeral ceremony was performed and the bones interred together. Cremation was practiced among some tribes. Most of the tribes seem to have buried with the dead warrior his weapons and other highly prized possessions, and vessels containing food. This practice indicates the Indians' belief in a future existence. The food was intended to sustain him during the passage from this world to the next.

### Feasts

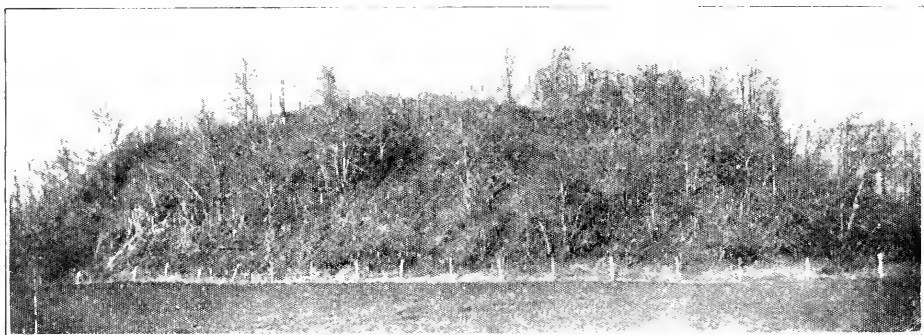
The Cherokees and Creeks celebrated many feasts, of which the most important was the busk, or harvest

feast. The feast was preceded by a period of purification. Houses and streets were thoroughly cleansed, and a great bonfire made of garbage, old clothes, cooking utensils and whatever food happened to be on hand. A three days' fast was decreed, and all criminals who had fled from justice might return and be forgiven, except murderers. On the morning of the first day after the period of fasting the high priest made a new fire by rubbing sticks together, new corn was brought from the fields and the feast began.

### Indian Mounds or Tumuli

The valleys, river banks and islands of the coast of Georgia were once dotted with hundreds of Indian mounds. Numbers of them still stand, the only monuments we have of the former inhabitants of our land. These mounds vary in size from the large one in Bartow County, which is sixty-five feet high and two hundred and twenty-five feet in diameter at the top, to the small individual burial mound. Archaeologists believe that the mounds were erected by a people who lived in Georgia before the Indians came. There are several reasons for this opinion. The larger mounds were erected with the expenditure of enormous amounts of labor, more than the Indians of those days could possibly have supplied, as their number was too small. Students of the subject think that prior to the coming of the Indians a much

more numerous race lived in our country. Another reason for this view is that the Indians had no idea when or why the tumuli were built. They used the mounds as towers to watch for expected enemies, and as burial grounds, and sometimes stockaded them for service as forts; but the form of some of the great mounds suggests that they were intended as



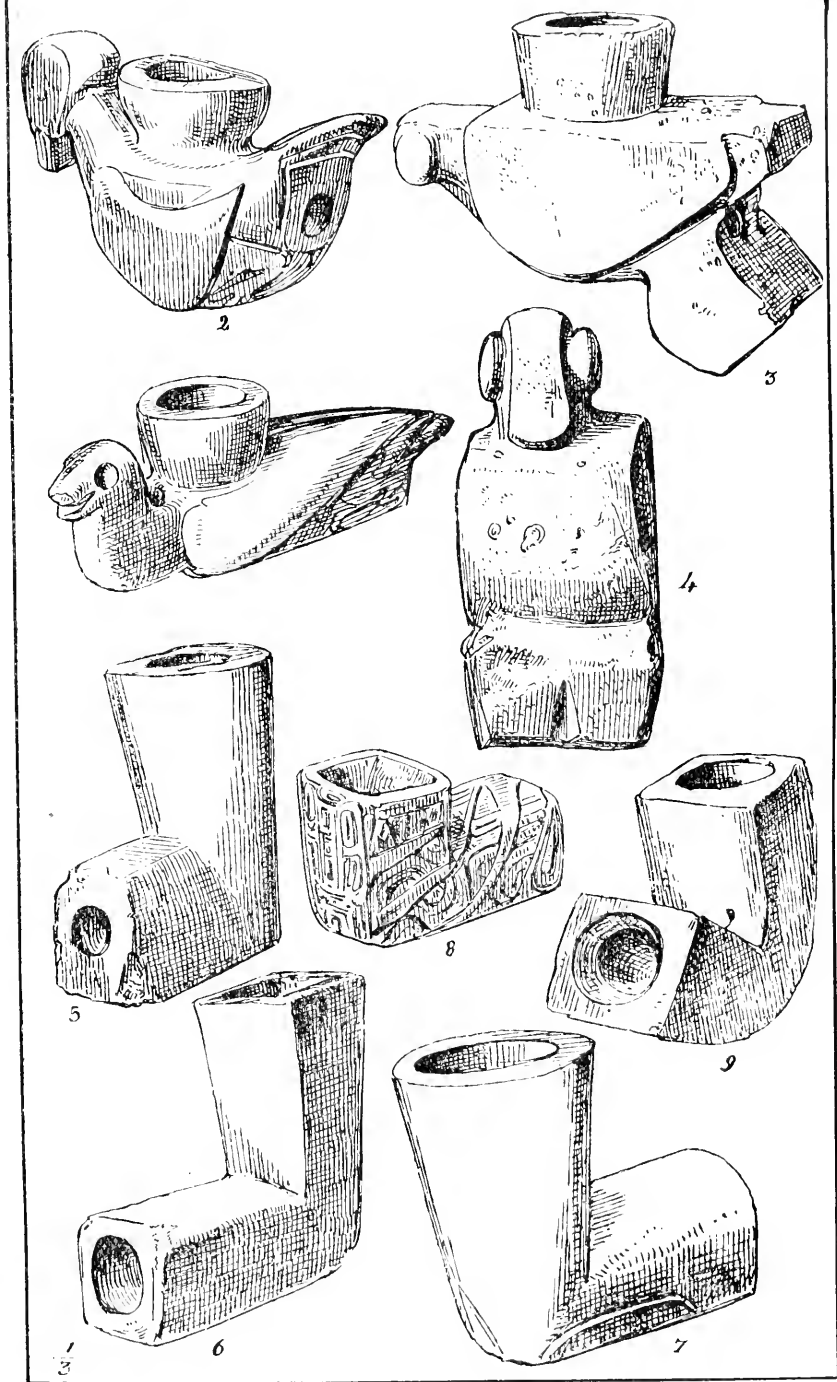
INDIAN MOUND ON TURLIN PLANTATION, BARTOW COUNTY.

*Photograph furnished by Mr. Robert Milan, Cartersville, Ga.*

temples of worship, and it may be that some ancient people, of whom we have no knowledge, used the tumuli for the performance of religious rites. Still another point in favor of this view as to the ancient character of the mounds is that observers of the Indians agree that they were not idolatrous, whereas in the tumuli many idols have been found.

### Use of Tobacco

The Indians originated the practice of tobacco smoking. Europeans at first thought tobacco was



INDIAN PIPES.

Reprod. from Jones, C. C., "Antiquities of the Southern Indians."

used for medicinal purposes, being unable to understand how pleasure could be derived from a practice which nauseated the white men who attempted it. The savages are said to have regarded tobacco as the special gift of the Great Spirit for their enjoyment. The pipe was the constant companion of the red man, his great solace and comfort. The habit of smoking seems to have been wellnigh universal among them.

In the manufacture of pipes the Indians were very skillful. Thousands of them have been dug out of mounds and are preserved in various museums. The bowl is often quite as smooth and as highly polished as any used by modern smokers. Antiquarians divide the pipes into three classes, idol pipes, calumets and individual pipes. The idol pipes are so named because they are cut in the shape of some animal or to represent the human figure. Such pipes are found only in the ancient tumuli, and are considered an indication of the extreme antiquity of the mounds, since the Indian was not an idolater.

The calumet was the peace pipe. This was large and heavy, with a bowl sometimes the size of a tea-cup. The calumet was the property of the whole tribe, and was smoked only on formal occasions, such as meetings to conclude alliances or to make treaties. Smoking the calumet was a ceremony of great dignity. The taking of a whiff of the calumet pledged the smoker's honor to abide by the treaty.

The third class of pipes includes all the varieties of pipes for individual use. The bowls were made of stone or clay, a reed serving as a stem. Some of the bowls are no larger than a thimble, others hold an ounce of tobacco.

### Summary

The name "Indian" was given to the aborigines of America by the Spanish explorers. The most important tribes that lived in Georgia were the Cherokees and Creeks, the former occupying North Georgia, the latter Middle and South Georgia. The Indians were not a roving, nomadic people, but lived in fixed homes, grouped in village communities. Their homes were often well constructed of wood. In each of these villages there were local rulers, chosen for special qualities of wisdom or physical prowess. There was no central government over all the red men belonging to a tribe. The Indians were very cruel to enemies captured in war, usually burning them at the stake. They believed in a future existence after death and buried their dead with bow and arrow, or at a later time, with gun and ammunition. Corn, peas, beans and other foodstuffs were regularly planted and cultivated. The Indians were skillful in spinning, weaving and dyeing cloth, in pottery making, and in carving and polishing stones. It is thought that the tumuli, or mounds, were not built by the Indians who inhabited the land when the

white men came, but that these structures were erected by some earlier and more numerous race, who were exterminated or driven away by the Indians. The most striking contributions of the Indians to modern civilization are the Indian maize, or corn, and the tobacco plant.

*Additional Reading:*

De Soto's March Through Georgia: Joel Chandler Harris, *Stories of Georgia*, 7-19 (American Book Co.).



## CHAPTER III

### THE ENGLISH BACKGROUND OF GEORGIA HISTORY

#### Eighteenth Century England

Some acquaintance with English history in the eighteenth century will help the student to understand why a new colony was established in America. People do not voluntarily forsake their native country to begin life anew in a strange land unless urged by powerful motives. For fifty years preceding the founding of Georgia civil commotions and foreign wars had so broken into the ordinary life of the English people that society was somewhat demoralized. England had recently changed her line of sovereigns from the Stuart family to the German house of Hanover, and the first two kings of this line, George I and George II, were more German than English, George I, in fact, never learning to speak English. Both these kings were stupid, coarse, immoral spendthrifts. There were no influences of a refining character at their court, and, of course, the royal example affected all classes of society.

#### Political Corruption

It was a time of great political dishonesty. The right to sit in Parliament was openly bought and

sold, and votes had a market value like other commodities. The prime minister, Robert Walpole, kept himself in power by bribing people to support him, using money from the national treasury for this purpose.

### Religious Influences

The religious life of the people was at a low ebb. The established church had so far lost sight of its true mission that a great movement of reform headed by the Wesleys was begun, resulting at a later time in the founding of a new sect, the Methodist Church.

### An Era of Speculation

In the realm of business, the spirit of the age showed itself in a mania for gambling and speculation. It was a time of great commercial expansion; people were in a hurry to get rich, and hence the air was full of speculative schemes. People were easily victimized by swindlers. Shares were eagerly bought in a company to change iron into gold and silver; in a scheme to discover perpetual motion; to make salt water fresh, and one set of men were bold enough to advertise shares in a plan "the nature of which is to be revealed hereafter." These companies were popularly known as "bubbles," and more than a hundred were organized in the first quarter of the century. Even the English government became involved in one of these companies, known as the South

Sea Company. This company was organized in 1711 to carry on trade with Spanish America. The directors offered to assume \$150,000,000 of England's national debt and pay the bondholders in stock of the company. The government accepted the proposition and used its influence to assure the public of the soundness of the investment. South Sea shares at once rose from a hundred pounds to a thousand pounds each. In a short time the "bubble burst," the shares fell and many thousands of investors were ruined. This was the greatest of all the speculative enterprises. With its failure scores of smaller companies went down and universal panic and distress followed.

### Extravagant Social Life

People were very fond of ostentatious display. Middle class people lived beyond their means, spending everything they made for dress and expensive living. We are told that a dinner party often lasted seven hours and that people spent more on wine than on a son's education. This sort of extravagance, together with high prices and heavy taxation due to the wars, resulted in financial difficulties of a serious nature.

### Gin Drinking

The bad tendencies of the time are well illustrated by the enormous increase in the consumption of in-

toxicants. In 1689 trade relations between England and France had been discontinued. Before that time drinking in England was largely confined to the wealthy classes who could afford the expensive French wines. But after 1689 Englishmen began to manufacture a cheap drink called "gin." The craving for drink is said to have "spread like a pestilence throughout the country." The statistics of the manufacture of intoxicants bear out the assertion. In 1684 only 527,000 gallons of spirits were distilled in England; in 1714 the figures had risen to 2,000,000 gallons; in 1727 to 3,601,000; in 1733 to 5,394,000, and in 1742 to 7,000,000 gallons. Most of this was gin, and its use among the lower classes became a great evil. It is said that retailers of gin hung out signs to the effect that one could be made drunk for a pennyworth of gin, dead drunk for two pence, and should have straw to sleep on for nothing. Naturally crime and immorality increased with the consumption of gin.

### Prisons for Debt

The English law two centuries ago allowed a creditor to have a debtor arrested and imprisoned until payment was made. In many instances such imprisonment proved permanent, as the unfortunates so confined could make nothing while in jail, and their friends and relatives were often unwilling or unable to help them. Dickens' novel, "Little Dor-

rit," is the story of a prisoner for debt. Often highly respectable persons were thrown into noisome prisons with criminals of the lowest type and in surroundings of incredible filth. The control of these prisons was not retained by the government, but was put up for sale to the highest bidder, sometimes bringing as high a price as twenty-five thousand dollars. As nearly always happens when the element of profit is allowed to enter such matters, the jailers maltreated the prisoners, exacting heavy fees for their maintenance, and, as there was no government supervision, casting those who could not pay into dungeons without ventilation, where death frequently followed neglect.

### **Harsh Criminal Laws**

Men at that time were not easily moved by the sufferings of others. The laws were remarkable for the total absence of measures tending to relieve distress. Criminal laws were very harsh, death being the penalty for about one hundred and sixty distinct offenses during George the First's reign. Such trivial matters as the stealing of an article worth one shilling, the sending of threatening letters, illegal cutting down of trees, and the like, were punishable by death. An eminent Englishman writing in the middle of the eighteenth century declared that "Our punishments are the mildest in the known world. It is generally allowed that our laws are merciful, just

and perfectly agreeable to the genius of this nation.” When we reflect that at the present time there are many people who would abolish the death penalty for even the most serious crimes, we can see how greatly the opinion of the world has changed on the subject of punishment. The harsh laws in England did not check crime, but caused it to increase, as criminals would commit serious crimes to conceal minor offenses. It is the certainty of punishment, not its severity, that checks crime.

### Investigation of Prisons for Debt

So great became the abuse of the prison system that in 1729 the matter attracted the attention of Parliament, and in that year an act for clearing the debtors' prisons was passed. It is said that 97,248 persons claimed the benefit of the measure. (A parliamentary investigation into the conditions of the prisons was made on the motion of James Edward Oglethorpe.

### Scheme to Found a New Colony

So gruesome were the facts brought to light by the investigating committee that Oglethorpe began to consider the possibility of doing something to give the released prisoners for debt a new start in life. The most practicable and permanent relief seemed to be the colonizing of these people in America. It was natural that this idea should have occurred to Ogle-

thorpe, because Englishmen had grown accustomed to see their fellow countrymen leave for the new world, in search of political and religious liberty. Oglethorpe and other gentlemen whom he had interested in the plan therefore appealed to King George II, and received a grant of certain lands in America in the lower part of the colony of South Carolina, to be erected into the colony of Georgia.

### James Edward Oglethorpe

The trait of character that distinguished Oglethorpe from Englishmen of his time was that in a notoriously corrupt and selfish age he sympathized with the sufferings of the unfortunate. He has been called the "father of philanthropy." Concerned with the troubles of others in an age when altruism was unknown, leaving England and a life of ease and affluence to spend several years in a strange, unpleasant environment, Oglethorpe challenges our unbounded admiration. The public men of his time knew that English life was honeycombed with vice and suffering, but they did not grasp the idea that the State could and should do something to remedy the evils. The early history of Georgia has a unique interest in that it was the first instance of a colony's being established by a government to relieve pauperism. Any human effort which is undertaken on purely unselfish grounds commands respect and we instinctively honor the man who was capable of



JAMES EDWARD OGLETHORPE.

*From an engraving lent by Mr. W. J. DeRenne.*

devoting his life to such a project. It took a man of remarkable strength of purpose to invade a wilderness with a company of broken-down traders and professional men and expect to make it a garden spot.

Little is known of Oglethorpe's early life. He was born in 1689. He entered Oxford, but left at



fifteen years of age to become a soldier under Prince Eugene of Savoy in the War of the Spanish Succession. In 1714 he was made a captain-lieutenant in Queen Anne's Life Guards. Entering Parliament in 1722, he was a somewhat undistinguished member of that body until the prison investigation began.

### Summary

The early eighteenth century was a period in which English society was in an unsettled condition. A long period of wars abroad and civil troubles at home, the disorganized state of the business world and the financial difficulties incident to extravagant living and high prices, made it a favorable time to launch a new colony. The immediate occasion of the plan to create the colony of Georgia was the desire to relieve unfortunate prisoners for debt. The leader of the enterprise was a member of Parliament, named James Edward Oglethorpe, who had made a reputation as a soldier in the foreign wars

### *Additional Reading:*

Oglethorpe: Smith, C. H., *History of Georgia*, Chap. I (Ginn & Co.). Prisons for Debt: Dickens, *Little Dorrit*, Chap. VI.

## CHAPTER IV

### THE BEGINNINGS OF THE COLONY, 1732-1740<sup>1</sup>

#### The Charter

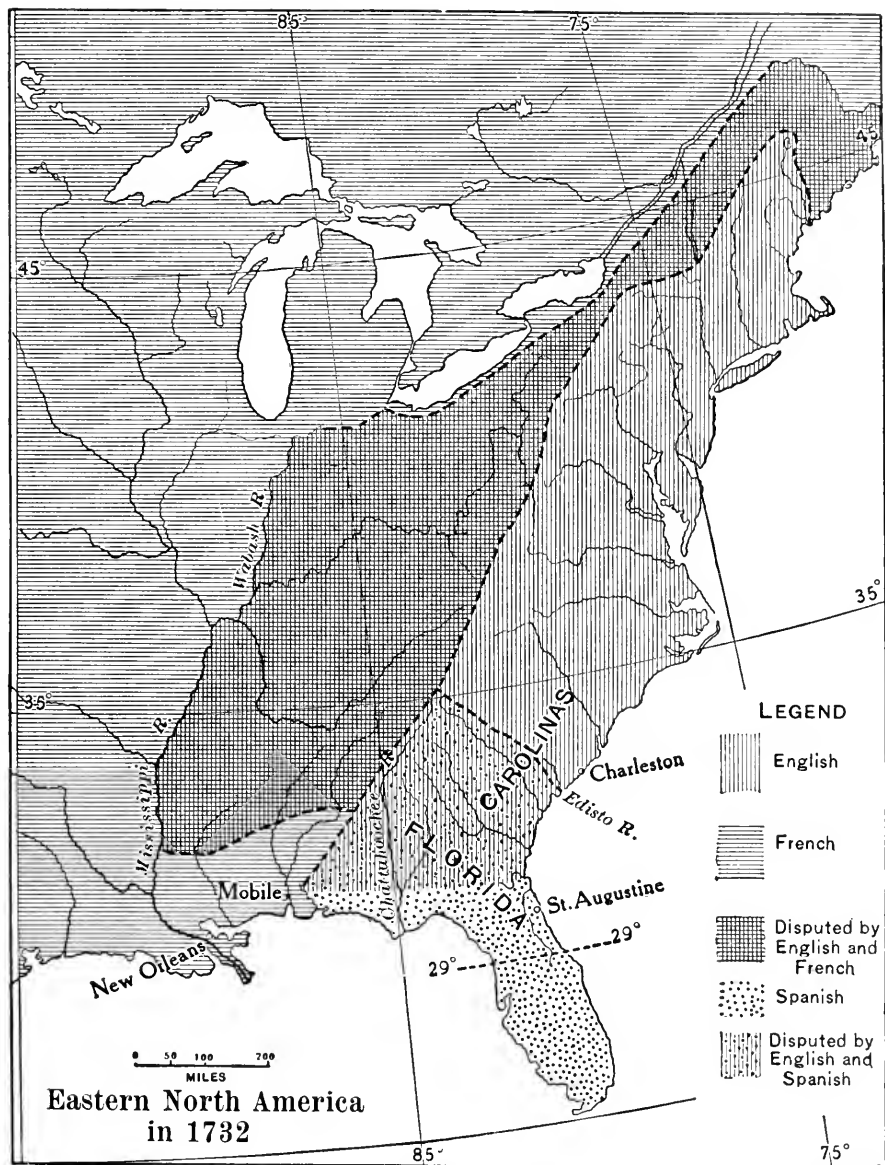
King George II signed the Charter of the Colony of Georgia on June 9, 1732. The name "Georgia" was adopted in honor of the reigning monarch. The twenty men who petitioned for the land grant were styled "Trustees for Establishing the Colony of Georgia in America." They were empowered to ordain laws and regulations for the government of the colony, to appoint a governor, establish courts, transport settlers, and distribute the land to immigrants. The Trust was to last twenty-one years, and no salary or other financial profit was to be enjoyed by members of the Trust.

#### Purposes of the Colony

From the Charter and from advertisements published by the Trustees we learn that there were several ends to be secured in founding the colony, in addition to the assistance of the distressed prisoners for debt. Georgia was to be a sort of buffer colony

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<sup>1</sup> Jones, C. C., *History of Georgia*. This is the most detailed and accurate history of the period of the settlement.



EASTERN NORTH AMERICA IN 1732.

for the protection of South Carolina from the Indians and Spanish. The accompanying map shows that at

the time of the founding of Georgia the land now constituting the state of Florida was owned by the Spanish, and that, furthermore, the Spanish claimed the country as far north as the Edisto River in South Carolina. The French held the country about the Mississippi River and Mobile Bay, and their claims extended as far east as the sources of the Savannah River. All the territory west of the Savannah was, therefore, in dispute between the three powers, and English, French and Spanish traders competed for the profitable Indian trade. The Spanish were constantly threatening South Carolina, encouraging slave insurrections and harboring runaway slaves, thus preventing the peaceful development of that colony. The danger of slave insurrection in South Carolina was great. In an address to the Crown in 1734 the Assembly of that colony said: "We are subjected to many intestine dangers from the great number of negroes among us, who amount at least to 22,000 persons, and are three to one of all your majesty's white subjects in this province." As will later appear, the peculiar method of land tenure in Georgia and the prohibition of slavery were in part the result of the desire of the founders to make Georgia a strong military colony. The third end to be attained was commercial profit. It was believed that a colony located to the south of Carolina would produce valuable wines and silk and thus relieve England of the necessity of purchasing these com-

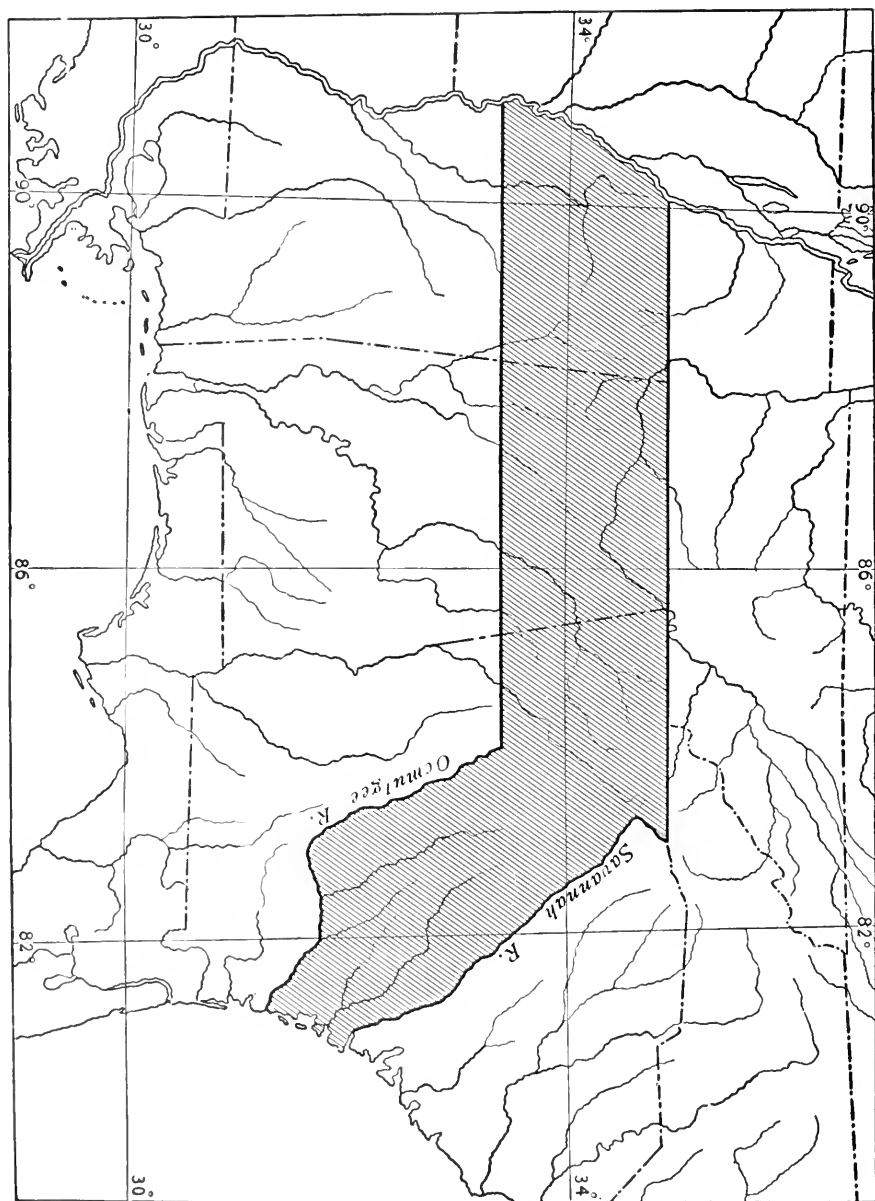
modities from other nations. Still another purpose of the founders was to christianize the Indians. Missionaries were sent out from England for this work, though very little was accomplished.

### The Original Land Grant

The territory granted by the charter was that part of South Carolina lying between the Savannah and Altamaha Rivers, and westward from their sources to the "South Seas." The knowledge of the geography of the continent was still meagre. No one knew just how far westward lay the Pacific Ocean, and the expression "South Seas" meant simply indefinitely westward.

### Religion

Freedom in the matter of religious worship was offered to all except Catholics. This discrimination against Catholics was due to historical causes. In 1688 the Catholic monarch, James II, was expelled from England, and it was made the law of the land that no Catholic should ever sit on the throne. Catholics were also excluded from holding any civil or military office or from sitting in Parliament. For many years the exiled family of Stuart schemed to regain the lost throne, usually with the assistance of a powerful party in England and with the sympathy of Catholic France. Only seventeen years before the granting of the charter of Georgia there had been



CHARTER BOUNDARIES OF GEORGIA.

a formidable rising of the Catholics in favor of the Stuart Pretender. So it was natural that English-

men did not care to harbor within the new colony persons whom they regarded as hostile to the English throne and religion.

### **Selection of the First Emigrants**

Equipped with this charter, giving them full rights to organize a colony, the Trustees began to hold meetings in July, 1732. Many kind-hearted persons became interested in the scheme. Some of them went about raising subscriptions for the colony; others entered their names for subscriptions in a book placed at the Bank of England for that purpose. The month of September was spent in looking into the cases of men who had asked to be sent out as colonists. The Trustees did their best to select only such men as were honest, deserving and unfortunate. Although those chosen were undoubtedly weak members of society, men who had failed to maintain themselves, it would be very far from the truth to suppose that they were degenerates, jail-birds or criminals in the usual meaning of those words. The only crime which they had committed was that of improvidence.

By the end of October one hundred and fourteen persons, men, women and children, had been chosen. A small sailboat named *The Ann*, of two hundred tons burden, was obtained for the voyage, and on November 16th, 1732, the party sailed. Without serious mishap they reached Charleston, S. C., on January 13th, 1733, where the Carolinians extended

them a cordial welcome. Proceeding southward, the settlers, on February 12th, reached the spot selected by Oglethorpe for planting the colony.

### **Town of Savannah Begun**

The site chosen was on a bluff overlooking the Savannah River and eighteen miles from its mouth. A tribe of Indians known as Yamacraws lived there. Oglethorpe and his little band began to fell trees and build houses, all for a while living in tents. A public garden, designed as a nursery, was laid out, in which mulberry trees, vines, olives and various herbs were planted. A commissary was opened, from which provisions were distributed to the colonists.

### **Oglethorpe Treats with the Indians**

The chief of the tribe of Yamacraws was one Tomo Chi Chi, an aged man of exceptional character. He and Oglethorpe became fast friends, a fact which accounts for the freedom the settlers enjoyed from troubles with the Indians. As soon as the work of laying out the town and erecting dwellings was under way, Oglethorpe arranged through Tomo Chi Chi a meeting of all the tribes living in the neighborhood, and on May 21st, 1733, a treaty was made with the Creeks, Uchees and Cherokees, affirming the title of the colony of Georgia to the region lying between the Savannah and Altamaha Rivers, and westward as far as tide water ran, several islands along the



coast being reserved to the Indians. The interpreter who made this treaty possible was a half-breed woman named Mary Musgrove, who had married an English trader.

### Indian Chiefs go to England

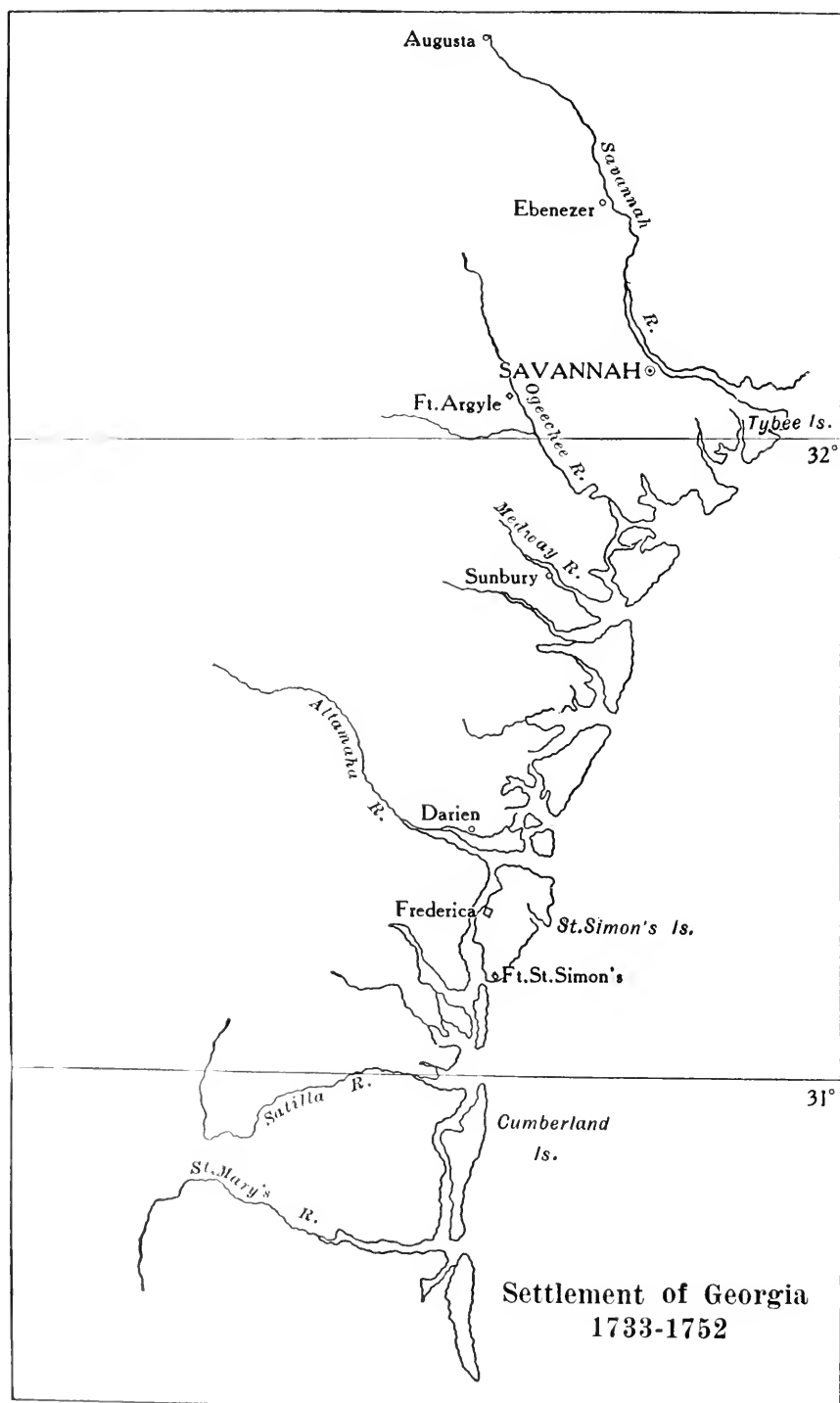
When Oglethorpe returned to England in 1734 to bring out more settlers, he took with him Tomo Chi Chi and a party of chiefs. After a voyage of seventy days, the party disembarked in England, and were conveyed in three of the king's coaches to Kensington Palace, where the Indians were received by the King. The simple-minded red men wished to be presented in their usual scanty costume, which left most of the body bare, but Oglethorpe dissuaded them from so doing, though all painted their faces. Later the Indians were presented to the Archbishop of Canterbury, visited Eton, Hampton Court, the Tower of London, and other noted places. Tomo Chi Chi was deeply impressed by the magnificence of London and the visible signs of the power of England, and was always on the side of peaceful relations with the white man.

### Coming of the Salzburgers<sup>1</sup>

The activity of the Trustees did not cease with the settling of one place. The first important band of

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<sup>1</sup> Strobel, P. A., *The Salzburgers*. This book, published in 1855 and now out of print, gives the facts relative to the Salzburger settlement.



colonists to come after the founding of Savannah was a party of Salzburgers, who were located, in 1734, at a point on the Savannah River, twenty-five miles north of Savannah. The immigrants named the place Ebenezer (stone of help) "in commemoration of their wondrous deliverances and present joys." The Salzburgers were a protestant people who had the misfortune to live in the territory of a Catholic Bishop in South Germany. Their ruler subjected them to such cruel persecution that they were forced to forsake their homes. The Salzburgers were scattered out over Europe and America. There were seventy-eight persons in their first migration to Georgia. The town of Ebenezer was located in the present county of Effingham. It was not built on the Savannah River, but six miles off on a winding creek which flowed into the river. By water the distance to the river was twenty-five miles. Transportation was, therefore, difficult, since there were no roads and the people had to depend on the water. The Germans asked to be removed to a more convenient location on the river, and this was done in 1736.

Other Salzburgers came to Georgia and made settlements along the Savannah. By 1741 there were 1,200 German Protestants in the colony, and in 1751 their number had increased to 1,500. These Germans, coming to secure religious liberty, settled in groups or congregations with the church as the center of their community life. Eventually the religious

character of their settlements was abandoned, they ceased being a separate people, and were absorbed in the population of Georgia. Needless to say, with their habits of industry and high moral ideals, these people were a valuable element in the colony.

### The Moravians<sup>1</sup>

In 1735 a small band of Moravians, another German protestant sect, came to Georgia and were given homes on the Savannah River, between Ebenezer and Savannah. There were only forty-seven persons in this party. Though a people of great worth, frugal, industrious, and orderly, they played no part in the development of Georgia. Their religion prohibited them from fighting and they had come to Georgia on the express agreement that they were not to be called on for military service. Their aversion for war, even in self-defense, could not be understood by the other colonists, and the Moravians found themselves uncomfortable in Georgia. They accordingly left the colony between 1738 and 1740, going to Pennsylvania.

### Augusta

During the same year, 1735, another town was laid out, this time north of Savannah. The town was named Augusta in honor of one of the royal

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<sup>1</sup> Fries, Adelaide L., *The Moravians in Georgia*.

princesses. Augusta soon became quite an important place for Indian trade, not less than six hundred persons engaged in this business having the town as headquarters. Some two thousand pack horse loads of skins were annually brought to the town.

### Scots Settle on the Altamaha River, 1736

The next accession of colonists was a company of Scotch Highlanders, who were located on the Altamaha River, some sixteen miles from its mouth. The town they named New Inverness, for their native town in Scotland, and the district Darien, in memory of the unsuccessful settlement of the Isthmus of Darien in America in 1698. Later the town itself became known as Darien. Some of the early English immigrants were already proving themselves unfitted for pioneer life, and Oglethorpe brought over these Highlanders because they were a hardier and more energetic people. This settlement was made with the view of strengthening the southern frontier of Georgia. The Scots were especially well qualified for military service.

### Frederica Founded

In the year 1736 the town of Frederica, so named in honor of Frederick, Prince of Wales, only son of George II, was laid out. The village was placed on St. Simon's Island, on the sound that separates the island from the mainland. A fort was built at the

southern extremity of the island. Frederica was founded to give additional strength to the colony on its exposed side.

### Forgotten Villages<sup>1</sup>

In addition to these more important settlements, a number of smaller villages or hamlets were laid out. Even the names of some of them have been forgotten. A number of French families were located at a village named Highgate, about five miles from Savannah. Abercorn, Hampstead and Joseph's Town were other villages near Savannah.

### Parliamentary Appropriations

To June, 1740, Parliament had appropriated nearly a half million dollars to aid the colony, and about ninety thousand more had been donated by private persons. With this assistance the Trust had sent over 1,521 settlers, of whom 915 were English and Scotch, and 606 foreign protestants. There were also a few who had come over at their own expense.

### Government of the Colony

None of the Trustees except Oglethorpe came to Georgia. They remained in London and transacted the business of the colony as best they could through written orders and correspondence with those who

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<sup>1</sup> Jones, C. C., *Dead Towns of Georgia*.

were entrusted with the local administration. As long as Oglethorpe lived in Georgia he had complete control over the colony. In 1741 Georgia was divided into two counties, one called Savannah County, including all the settlements on the Savannah and southward to the Altamaha; the other, Frederica, embracing Darien and the settlements south of the Altamaha. For each county a President and four assistants were authorized. In Savannah County William Stephens,<sup>1</sup> who had been the resident secretary of the Trustees, was made President. No President was appointed for Frederica County, because Oglethorpe was usually in Frederica, looking after the military defenses of the colony. On Oglethorpe's return to England in 1743, Frederica County was abolished and Stephens was made President for the entire colony. The duties of the President and assistants were to preside as judges in the court at Savannah, to act as general overseers of affairs and keep the Trustees informed as to the condition of the colony.

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<sup>1</sup> William Stephens, the first President of the colony of Georgia, was born on the Isle of Wight, off the south coast of England. He came to Georgia late in life to act as secretary to the Trustees. He was elevated to the Presidency of the colony after Oglethorpe left, being then more than seventy years old. During his entire stay in Georgia, he kept a diary, which has been published in two large volumes. This diary is one of the most important sources of information about the early history of Georgia.

## Summary

After securing a charter from King George II, in 1732, conveying to them the land lying between the Altamaha and the Savannah Rivers, the Trustees at once began to send out colonists. The towns of Savannah, Ebenezer, Darien, Frederica and Augusta and several minor settlements were established within three years after the landing of the first colonists. This was very quick work, when the difficulties of crossing the ocean and of making headway in the wilderness are considered. It is interesting to note that Georgia was quite a cosmopolitan colony, containing English, Scotch, German and French people. More than half a million dollars were expended in the first seven years in furthering the plans of the Trustees, most of which was contributed by the English government. Some 1,500 persons were sent over at the expense of the Trust. The government of the colony was virtually in the hands of Oglethorpe as long as he remained in Georgia. On his final return to England, in 1743, William Stephens was appointed "President" of the colony. No form of self-government was as yet allowed the colonists.

### *Additional Reading:*

Mary Musgrove: Harris, Joel Chandler, *Stories of Georgia*, pp. 23-40.



## CHAPTER V

### THE CRITICAL PERIOD, 1733-1750

#### Unfavorable Physical Conditions

In spite of the liberal support of Parliament, the aid of generous individuals and the untiring efforts of Oglethorpe and the Trustees, the colony was not at first successful. Conditions of pioneer life are always severe and try the strength of the hardiest of men, for it is no easy task to make clearings in the wilderness for farming purposes. But the conditions in Georgia were unusually bad. We have seen from the first chapter that the coast is low, flat and swampy; the soil sandy and sometimes very unfertile, and the climate malarious. The settlers found it hard to make a living, sickness was very common and deaths frequent. Ten of the forty-seven Moravians died in the three or four years they lived in Georgia. The records kept by the Dorchester colony<sup>1</sup> from 1752 to 1772 showed one hundred and thirty-four deaths to one hundred and ninety-three births. Malarial fever was the usual trouble. The Salzburgers suffered from the same disease. The number of orphans became sufficiently large to lead to the establishment

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<sup>1</sup> See page 91.

of an orphans' asylum near Savannah.<sup>1</sup> The work of clearing the land killed many settlers, and even when at a later day rice plantations had been created by negro labor, the white owners found it prudent to live away from the swampy region during a part of the year.

### Peculiar Method of Granting Lands

Even had the physical environment been ideal, the peculiar regulations of the Trustees governing the holding of land, and their policy in regard to slavery, would have prevented the rapid development of the colony. A limit of fifty acres was set for each man who went to Georgia at the expense of the Trust. Anyone who went at his own expense and carried as many as ten white servants was allowed five hundred acres. In no case was complete ownership of the land given to the settler. He had possession during his life, but was prohibited from selling, mortgaging or giving away his land. On his death, his eldest son inherited the property. If there were no male heirs, the property went back to the Trust.

### Explanation of this Law

The idea of the Trustees in making such land laws becomes clear when we recall the purposes for which

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<sup>1</sup> This was the famous Bethesda Orphanage, established in 1740 through the exertions of Reverend George Whitefield. One hundred and fifty orphans were received during the first year.

the colony was established. The two main ends sought were to aid an unfortunate class of people who had failed in life, and to protect South Carolina. The Trustees, realizing the poor material from which they were attempting to make self-supporting colonists, thought by denying entire control over the land to create a permanent class of small landholders, prevent the growth of large plantations, and protect the less industrious from sinking into the condition of tenants, servants and day laborers. At the time of the founding of Georgia, there were many complaints from South Carolina as to the bad effects of the ownership of much of the land by a few rich men.

From the military point of view, the idea was to have a man permanently located on each fifty acre tract. Each settler was regarded as a soldier, and, of course, if the small farms were allowed to become united, the military strength of the colony would be lessened.

### Prohibition of Slavery

As in the case of the land laws, economic and military considerations account for the prohibition of negro slavery. It was the purpose of the founders to give a new start in life to men who had failed. The expense of migrating from the Old World to the New was borne by the Trustees, and everything necessary to begin farming was furnished the immi-

grants, such as land, tools and even provisions for a year. But they were not to be relieved from doing actual work with their hands. The Trustees did not propose to allow the immigrants to bask in the warm southern sunshine and reap the rewards of slave labor.

From the military point of view, the defenselessness of South Carolina was due in large measure to the fact that the number of slaves in that colony far exceeded the number of white people. In 1733 there were 22,000 blacks to 7,333 whites. The danger of a slave insurrection was always imminent. Clearly, if slavery were permitted in Georgia, the new colony would itself be as weak as South Carolina, and would be of no use as a military protection.

Aside from the moral and military objections to slavery, the Trustees denied the use of negroes on the further ground that while recognizing the necessity for slaves in producing the heavier commodities, such as rice and lumber, it was their intention that the Georgians should confine their efforts largely to growing grapes for wine-making and the production of raw silk. In such light employments the labor of women and children, the Trustees believed, would be more useful and far less expensive than that of negro slaves. Strenuous efforts over a long period of time were made to produce silk and wine in Georgia. Skilled foreigners were brought over to instruct the people in these industries, and the efforts of the

colonists were encouraged by large bounties. But neither industry succeeded. Various reasons are given for this failure—the variableness of the climate, lack of skill on the part of the colonists, and the greater profit to be made from other lines of agriculture for which conditions were more favorable.

### **Prohibition of Rum**

Another law which caused a good deal of grumbling on the part of the colonists was the prohibition of the importation or sale of whiskey. The use of rum and brandy, it was held, would tend to encourage those habits of idleness from which many of the new settlers had suffered. What has already been said as to the growth of the drink habit in England will be a sufficient explanation of the action of the Trustees in prohibiting the use of intoxicants. Beer and wine were not included in this prohibition. Oglethorpe provided both for his first shipload of immigrants.

### **Objections to the Land Law**

While the law against the complete ownership of land was a preventive of the growth of large estates, it also discouraged the more thrifty colonists. It was absurd to suppose that all the colonists were of equal capacity, thrift and diligence. The Trustees showed a limited knowledge of human nature in thinking that they could legislate people into

equality. It was natural that the unprogressive element should sell out their land to the industrious and saving, and it was unjust to impede the one class in order to furnish an artificial prop to the other. The settlers in and about Savannah early became dissatisfied with the form of land tenure and petitioned for a change. It was declared that fifty acres was an insufficient amount of land and that sometimes even that small area lay on the pine barrens or in marshes.

Another serious objection to the law was that the immigration of independent colonists of means was prevented by the denial of complete possession of the land. It will be recalled that the Trustees did not confine the grants of land to persons sent over at the expense of the Trust. Any one who desired to do so was free to immigrate to Georgia at his own charge, provided he carried ten white male servants. Under this provision only 27,000 acres of land were distributed. The largest number of grants in any one year was nineteen, in 1736. After that year the number steadily declined, until in 1740 there was only one applicant. This failure to attract what was the most desirable kind of settlers was due to the land tenure regulations and the denial of slavery.

The discontented colonists began to neglect their farms and to spend their time complaining of the hardships imposed upon them by the Trustees and in agitating for changes. Many of them abandoned the

colony. One of the discontented element told the Trustees, before whom he appeared in 1739, that there were not more than a thousand people left in Georgia.

### **Oglethorpe Opposes Change**

The Trustees were slow in making changes. They knew nothing at first hand of the needs of the colonists, but had to depend on information given them by their secretary, William Stephens, and General Oglethorpe, both of whom were opposed to free ownership of land and to slavery. Stephens and Oglethorpe wrote the Trustees that the people who left Georgia were of an extremely undesirable class and that the colony was fortunate in losing them. So great became the discouragement of the people that Oglethorpe in 1739 tried to stimulate them by offering a prize of two shillings for each bushel of corn produced, and one shilling for each bushel of potatoes, but this experiment did not succeed.

### **Repeal of the Land Law**

The agitation against the land law and the prohibition of slavery was in progress when the war with Spain broke out.<sup>1</sup> A regiment of soldiers was sent to Georgia and stationed on the southern frontier. The presence of the regiment made the military

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<sup>1</sup> See Chapter VI.

feature of the colony of less importance, and the Trustees took this opportunity to modify the land law, though it was only in 1750, after a succession of changes had been made, that absolute possession of lands was given the colonists.

### Repeal of Prohibition

The prohibition of whiskey selling and drinking did not work very successfully. As has been said, beer and wine were not prohibited, and licenses were issued for the sale of these beverages. It was found impossible to prevent licensed houses and blind tigers (to use a phrase now current) from selling whiskey. In 1738 the magistrates of Savannah called attention to the "vile abuse lately crept in among us, in selling spirituous Liquors in many private houses, unlicensed to sell any sort of Drink, which produced grievous consequences, and would tend to the Ruin of the Colony if not suppressed." The juries, however, refused to convict for the offense of operating unlicensed saloons. In 1742 the matter was laid before Parliament, and the Trustees were required by parliamentary act to repeal the law on this subject.

### Indented Servants

Though negro slavery was denied, a system of indented servants was established. Any settler was allowed to bring over white laborers from Europe, binding them by a legal agreement known as an



"indenture," to work a certain term of years in return for the passage money. The Trustees offered grants of twenty acres and later of fifty acres to those indentured servants who faithfully worked out their time and desired to remain. A few of the servants brought over under this arrangement did well and took advantage of the Trustees' offer, but by far the larger number refused to work after a short time, became idle, vicious and drunken, killed the cattle of their masters and of the Trust, and ran away to South Carolina, where every obstacle was put in the way of their recapture. Oglethorpe wrote in 1739 that the people were disgusted with white servants. Of course, they were no better suited than their masters for labor in the climate of Georgia. The trouble with white servants naturally increased the demand for slaves.

### **Disagreement among Colonists about Slavery**

At first only the Savannah people urged the Trustees to allow slaves. President Stephens and Oglethorpe reported to the Trustees that it was only the most worthless and idle element that desired negroes, and this opinion was apparently sustained by the fact that the people of Ebenezer and Darien petitioned against the introduction of slaves. The German and Scotch settlers had come largely from the class of people who were accustomed to hard manual toil; but the Savannah people came from the trading and

professional classes of England, and were unfitted for agricultural labor in the Georgia climate.

For a number of years the Trustees refused to listen to any petitions or resolutions on this subject. They had definitely decided never to allow slavery, and this determination was weakened only when they came to realize that the colony would be depopulated unless slavery was permitted.

### **Agreement among Colonists**

With every passing year it became harder to make a living, and finally the people at Ebenezer and Darien, the Germans and Scots, joined with the other colonists in petitioning for negroes. The case of the colonists was strongly expressed by James Habersham,<sup>1</sup> one of the most highly respected men of Savannah. Habersham had been opposed to slaves,

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<sup>1</sup> James Habersham was born in England twenty years before the charter of Georgia was granted. He was therefore twenty-seven years of age when the first of the letters below was written. He was a member of the first business house established in Georgia. He held many positions of honor, and when the Revolution broke out, took the side of the king against the Patriots, a course taken by many of the older colonists. In regard to slavery, Habersham wrote the Trustees in 1739 as follows: "Though the people have been as industrious as possible, they are not able to live; for I believe there is not an instance of one planter in the colony who can support his family with his own produce. Besides, the sun is so extremely hot here in the summer, that no white man can stay in the field the best part of the day. All who come to settle here are put into a wilderness, which they have to clear before they can plant it; which is so intolerably costly, with white hands,

so that when he expressed the opinion that the colony would not survive unless the law was changed, his word carried great weight. In 1748, Reverend Mr. Bolzius, pastor of the Germans at Ebenezer, who had been a strong upholder of the views of the Trustees, saw fit to write them: "Things being now in such a melancholy state, I must humbly beseech your honors not to regard any more our or our friends' petitions against negroes." In the same year Reverend George Whitefield added his testimony to the necessity for slaves.

There being now a practically unanimous desire in the colony for negroes, and it appearing that the people would leave unless slavery was allowed, the Trustees in 1749 removed the restrictions, thus introducing into Georgia a system of labor which brought in its train many important consequences.

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that I have heard some affirm that to clear our good land—which is swamp—effectually with them, would cost almost as much as they could buy land for in some parts of England." Eight years later, one of his letters indicated that matters were getting worse: "The few remaining inhabitants here are so dispirited and heart-broken, that, supposing any real encouragement could be proposed, I almost reckon it an impossibility to persuade them that anything of this nature can be done, and he that would attempt it would be looked upon rather as their enemy than their friend, and I must confess that things have had such a dreadful appearance for some time past, that, rather than see the colony deserted and brought to desolation, and the inhabitants reduced to want and beggary, I really, with the Trustees, would have consented to the use of negroes, and was sorry to hear that they had written so warmly against them."

## Summary

The progress of the colony was slow during the first twenty years on account of the policy of the Trustees in denying entire control over the lands granted to the settlers, and in prohibiting slavery and whiskey. These laws were due partly to the feeling that many of the colonists were so weak that they had to be protected from the danger of sinking into the condition of laborers and from idle and vicious habits, and partly to the desire to make the colony strong in a military way for the protection of South Carolina. But it was found in practice that the laws would not work, and in order to prevent the abandonment of the colony, the Trustees were compelled to repeal all of their restrictive laws. We shall see that an era of great prosperity followed the change.

## CHAPTER VI

### THE SPANISH WAR, 1740-1742

#### Boundary Dispute

In a former chapter<sup>1</sup> the rival claims of the great powers to the land of North America were explained. Spain, it will be remembered, claimed that the English settlement of Georgia was an encroachment on her territory, which, according to the Spanish view, extended as far north as the Edisto River, in South Carolina. The English, on the other hand, contended that the St. John's River was the northern boundary of the Spanish province of Florida.

#### Oglethorpe Prepares for War

Three years after the first immigrants reached Georgia the Spanish government demanded that the English abandon all settlements in the new colony, and Oglethorpe saw that sooner or later it would be necessary to end the dispute by war. He at once began to prepare for the struggle. Frederica and Darien were especially designed to protect the southern frontier; on the southern end of St. Simon's Island Fort St. Simon's was erected; Fort St. Andrew

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<sup>1</sup> See chapter IV.

and Fort William were built on the two extremities of Cumberland Island, while near the mouth of St. John's River, on San Juan Island, another fort, called Fort St. George, was placed.

### Financial Difficulties

Oglethorpe was almost fatally handicapped in these preparations by lack of coöperation from England. His letters<sup>1</sup> are full of entreaties for money with which to carry on the work of fortification. He complained that his forts were falling into ruin, and that he lacked guns, ships and ammunition. Even when grants were made by Parliament, the money often came too late to be used to the greatest advantage. The policy of the prime minister of the time, Walpole, was to preserve peace, if possible, and he was slow to make warlike preparations. In the direction of furnishing soldiers, the most the government could be induced to do was to authorize Oglethorpe to raise a regiment in England. Oglethorpe succeeded in doing this and was made Colonel of the force. In addition, Parliament created him General and Commander-in-Chief of his Majesty's forces in South Carolina and Georgia.

### Discontent of the Colonists

These preparations for war were going on at the time when the agitation against the laws of the Trus-

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<sup>1</sup> Georgia Historical Society, *Collections* III. Contains many Oglethorpe letters.

tees in regard to land tenure and slavery was at its height. The war scare and the necessity of requiring the people to do garrison duty increased the distress of the colonists by interrupting agricultural pursuits. Many settlers were reduced to dependence upon the Trust for their food, and large numbers of them deserted the colony, going to South Carolina, where conditions were more favorable. In 1739, Oglethorpe informed the Trustees that it was so difficult to obtain food that colonists were stealing the cattle belonging to the Trust.

### **The Wesleys**

The backwardness of the government in supporting Oglethorpe, and the distress of the colonists, were enough to make the General's position decidedly unpleasant, but in addition to his other worries, religious dissension had to be dealt with. Reverend John Wesley and his brother Charles came to Georgia in 1736, the former locating at Savannah, the latter at Frederica. They came at the invitation of the Trustees to perform the duties of pastor at Savannah and Frederica, respectively. These great and good men, who later became so famous as the founders of Methodism, were at that time ministers in the regular English Church. They were comparatively young, John being thirty-three, and Charles twenty-nine, and did not fit in very well with the pioneer society of Georgia. The colonists

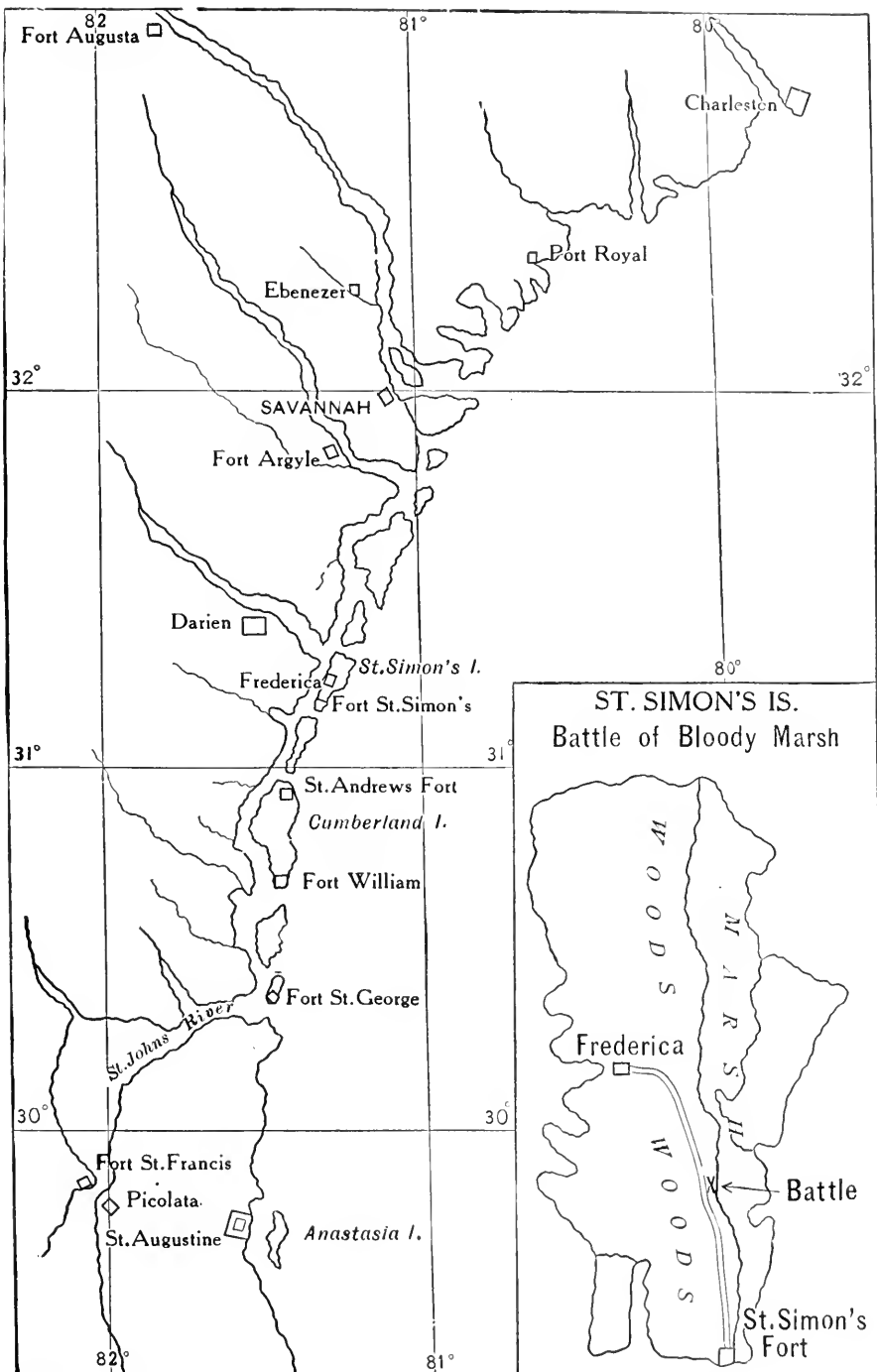
felt that they interfered too much in their private affairs and in the civil administration of the law. They became unpopular with the settlers, and realizing that their usefulness would be greater in other fields, they left Georgia, Charles in the year of his arrival, John in 1737.

### Oglethorpe Invades Florida

In 1713 at the close of the famous war of the Spanish Succession, England had agreed not to engage in trade with Spain's South American colonies, except that once every year a shipload of merchandise might be sent. But the English merchantmen had not obeyed the law. They found it profitable to smuggle goods into the Spanish colonies. In order to prevent this illegal traffic, Spain stationed ships along the coast to catch the smugglers, and they often maltreated the sailors on trading vessels which had been seized. Public opinion in England demanded that Spain be punished, and in 1739 England declared war.

The struggle between Oglethorpe and the Spaniards in Florida is, therefore, a part of the larger war. Although Georgia was much weaker in military resources than Florida, Oglethorpe decided to put on a bold front and invade the enemy's country. This was good policy, because an agricultural people are stronger in an offensive expedition than as a defensive force. Accordingly, in January, 1740, the Gen-





COAST OF GEORGIA AND FLORIDA: SPANISH WAR.

eral ascended the St. John's River, and, supported by Indians, took two Spanish forts, Picolata and St. Francis, facing each other on opposite sides of the river, but did not advance across the narrow neck of land, twenty miles, approximately, against St. Augustine, the great fortress of Florida. These two forts were important because, being on opposite sides of the river, they enabled the Spaniards to command an easy passage of the stream, in the event they decided to make an attack on Georgia by land. After taking these forts, Oglethorpe returned to Georgia, and we next hear of him before the Assembly in South Carolina, pleading for assistance in men and money. South Carolina was very unwilling to help, because that colony did not relish the idea of playing second fiddle to the younger colony of Georgia. The aid they gave amounted to very little, and even those South Carolinans who joined Oglethorpe's army coöperated in a half-hearted way.

### The Unsuccessful Siege of St. Augustine

In May, the General, with an army the size of which has been variously stated, but which did not exceed two thousand men, advanced against St. Augustine. His plan was a combined land and sea attack. The army was to land near the mouth of St. John's River and march against the city; the fleet of six British men-of-war was to enter the narrow sound that separates the island of Anastasia from the main-

land, and attack the city in front. Oglethorpe executed his part of the movement successfully, but the fleet was unable to enter the sound on account of the shallowness of the water. The intended storming of the city had to be abandoned, and Oglethorpe decided to lay siege to the place. This decision turned out to be an error of judgment. The town was well fortified, with fifty cannon mounted on its walls; the besieged Spaniards outnumbered the besiegers, while the war vessels could give no effective aid. In spite of these facts, the town was besieged for three weeks, but the General's cannon were of such small size and the distance so great that little impression was made on the strong walls of the fortress. In June the Spaniards made a successful sortie, reprovisioned the town, and shortly afterwards a large reinforcement of men and food came from Cuba. The situation was clearly hopeless, Oglethorpe was sick with fever, and his troops exhausted. The siege was therefore abandoned and the army returned to Georgia, reaching Frederica on July 10th.

### The Spanish Invade Georgia, 1742

Two years passed before the Spanish undertook to carry out their long cherished plan of destroying the colony of Georgia. In 1742, the British siege of Havana, Cuba, at that time a Spanish possession, failed, and a large force was set free. This force was sent to St. Augustine to help the garrison there

in the movement against Georgia. The main attack of the Spaniards came in July, and was directed against Frederica. On the 5th, a fleet of thirty-six vessels appeared before St. Simon's Fort. To meet the Spanish army of five thousand men (some authorities say six thousand), Oglethorpe had less than seven hundred soldiers. The approaching Spanish fleet was cannonaded by the guns of the Fort, but after four hours of fierce fighting succeeded in getting by in the direction of Frederica. Oglethorpe then concluding that the main attack would be by water, withdrew from Fort St. Simon's, dismantling the Fort, and marched his men back to Frederica. The Spanish army, however, disembarked about four miles from the Fort, and marched across to occupy it, pitching their camp there.

The only avenue of approach from the camp of the enemy to Frederica was a narrow, rough road which Oglethorpe had cut through the dense woods and marshes. On the 7th of July, the advance guard of the Spaniards set out upon this road. Oglethorpe realized that his only chance of defeating the overwhelming force against him was to engage the enemy while they were straggling through the woods. Had they been given time to arrange a line of battle and attack him with their full force, defeat would have been inevitable. The General therefore marched out of Frederica with a party of Indians, Rangers, and Highlanders, met the Spanish and won a signal

victory, either killing or capturing the greater part of the advance guard of about two hundred. He pursued the flying enemy almost back to their camp, and leaving three platoons of his regiment and the company of Highlanders to watch the enemy, returned to Frederica to prepare the remainder of his army to receive the attack of the main body of the Spanish army.

### **Battle of Bloody Marsh**

While Oglethorpe was in Frederica, another detachment of the Spaniards advanced against the force he had left in the woods, and being overwhelmed, the Georgians retreated in the direction of Frederica. Two of the three platoons fled in wild disorder, but on reaching a certain bend in the road where there was an open area, one of the platoons, under Lieutenant Sutherland, and the company of Highlanders, commanded by Captain Mackay, decided to make a stand. They artfully concealed themselves in the woods and marsh about the open space. On reaching this point the pursuing Spanish halted to prepare a meal. Totally unconscious of their peril, they laid aside their arms, when suddenly a murderous fire was poured into the party from the hidden force of Georgians. About two hundred Spaniards were killed, only a few managing to escape back to the camp. This affair was known as the battle of Bloody Marsh. As soon as Oglethorpe heard the firing he

hastened up to support his men, but arrived too late to take part in the battle.

### **Oglethorpe Works a Stratagem**

After this decisive repulse the Spanish army remained in their camp at St. Simon's for several days, debating what course to follow. Dissension sprang up among the officers, and the several divisions of the army refused to coöperate. Getting word of this state of affairs, Oglethorpe decided to make a night attack on the camp. When about a mile and a half from the camp, a Frenchman who had joined the Georgia force as a volunteer, suddenly fired his gun as a signal and deserted to the enemy. Oglethorpe was therefore obliged to give up the attack, as its only hope of success lay in surprising the Spanish. Later in the day he hit upon the happy idea of turning to his own advantage the treachery of the French deserter. He wrote a letter to the Frenchman in a manner intended to convince the Spanish commander (anticipating that the letter would fall into his hands) that the Frenchman was not really a deserter, but was a paid spy. Oglethorpe hired a Spanish prisoner to deliver the letter; and, as Oglethorpe had hoped, it was given to the Spanish commander. On opening the letter the Spaniard read instructions from Oglethorpe that the Frenchman should persuade the Spanish that they would be safe in attacking him on account of the weakness of the

army of the Georgians; that, if the Spanish decided to attack, they were to be led to a certain place, where an ambush would be arranged; but if the Spanish were unwilling to attack, the deserter was to use his best efforts to persuade them to remain a few days longer, since Oglethorpe was expecting large reinforcements from South Carolina.

This letter so alarmed the timorous Spanish leader that he lost no time in getting his army back on the ships and weighing anchor. The failure of this attack on Frederica and the success of Oglethorpe's stratagem closed the episode of the Spanish invasion, no further attempt being made from St. Augustine to destroy the colony.

### Importance of the War

The importance of this repulse of the Spanish army is that it meant the success of Georgia as a military colony. It had been planted to protect the neighboring colonies from invasion and had accomplished this end. As an eminent English historian has written: "Had anyone foretold that within ten years of its foundation the little settlement, built out of the worthless *débris* of over-civilization, would repel a foreign enemy, and serve as an efficient bulwark against the tide of invasion which menaced the English colonies, he would have been a sanguine man."<sup>1</sup>

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<sup>1</sup> Doyle, J. A., *English Colonies in America*, V, pp. 402-3.

## Summary

Ever since the establishment of the Colony of Georgia, a Spanish attempt to destroy it had been expected, Spain regarding the settlements as an encroachment on her territory. Oglethorpe was greatly hampered in preparing to meet attack on account of the internal troubles of the colony, the niggardly support of Parliament and the lack of sufficient aid from the stronger Colony of South Carolina. In 1740, he made an unsuccessful attack on St. Augustine. Two years later the Spanish invaded Georgia, five thousand strong, but were decisively defeated by Oglethorpe with a force of six hundred and fifty men, the victory being due to Oglethorpe's superior generalship and the timidity of the invaders. The victory was of first importance, because, if Georgia had been destroyed, the war would have been carried into the other English colonies.

### *Additional Reading:*

Cooper, H. C., *Life of Oglethorpe*, Chaps. XVI and XVIII.



## CHAPTER VII

### GEORGIA BECOMES A ROYAL PROVINCE, 1754

#### Reasons Why the Trustees Resigned

When the Trustees were forced by the popular clamor to allow slaves and rum to be introduced and to abandon their land system, they felt that their plans had been a failure. Furthermore, interest in the colony had largely died out in England, private donations had ceased, and Parliament in 1751 failed to make any appropriation to carry on the affairs of the colony. The Trust would have expired in June, 1753, by the terms of the Charter, but the Trustees resigned in June, 1752, feeling that they could be of no further use, and desiring to place on other shoulders the responsibility of further conducting the affairs of the colony. Georgia passed under the direct control of the Crown. A proclamation was issued requiring the existing officials in Georgia to remain at their post until a new form of government could be arranged.

#### The Three Types of Colonies

Among the original thirteen colonies that became the United States there were three varieties of gov-

ernment. In Massachusetts, Connecticut and Rhode Island the people enjoyed self-government under liberal charters granted them by the English monarch. Connecticut and Rhode Island retained their local control throughout the colonial period. Another type was the proprietary colony, such as Pennsylvania, New York and the Carolinas. In this form of colony the appointment of the officials was usually in the hands of an individual to whom the king had granted the colony as a sort of estate. The majority of the colonies were originally of this type. The prevailing form of colonial government in the eighteenth century, however, was the Royal Province. The English government had a much larger share in the government of the royal province than in the other types of colonies, as the governor and council were appointed by the king and were not responsible to the people of the province. Such a colony had no charter, but the powers and duties of the officials were contained in their commissions and instructions. In all the colonies the people had some voice in the government, since the members of the lower house of the Assembly were elected by popular vote.

The establishment of a proprietary form of government in Georgia in 1732 was a return to the older form of colonial organization. The twenty-one Trustees were given a large measure of control and no provision was made for an Assembly of elected representatives. The position of the proprietors of

Georgia, however, was very different from that of the earlier proprietors. They were prohibited from deriving any profit from the colony and could own no land in it, whereas profit was the sole attraction of their positions to the proprietors of most of the older colonies.

### How England Governed the Provinces

The control of Great Britain over the colonies was exercised through various executive boards, of which the most important was the Board of Commissioners for Trade and Plantations, popularly known as the "Board of Trade." This Board was responsible to the Privy Council of the king. It was the duty of the Board of Trade to draw up the form of government, to supervise colonial legislation, and look after the commercial interests of England in the colonies.

### Georgia Becomes a Royal Province

On the resignation of the Trustees, Georgia was made a royal province. In March, 1754, the Commissioners of Trade and Plantations submitted a form of government for the new province. The following is a brief description of the government under which Georgians lived until the Revolution.

### The Governor

At the head of the new government stood the Governor, who was appointed by the king and held

office during the king's pleasure. He was authorized to appoint all the officers who were not appointed directly by the crown; he presided over the highest court; could veto any act of the assembly, and had control over the granting of land. No governor of Georgia as a free state has ever been so powerful as were the royal governors.

### **The Council**

The most interesting feature of the new government was the Council. It consisted of fourteen members appointed by the Crown to hold office for life, or during the king's pleasure. It not only advised the Governor in the performance of his executive duties, but sat as the upper house of the Assembly, in that capacity assisting in law making, and also, with the Governor, formed the court of appeals. This Council was closely modeled on the House of Lords of the English Parliament.

### **The Commons House of Assembly**

The lower house of the Assembly was composed of representatives elected by the people. The first Assembly met in January, 1755, and consisted of eighteen members. Savannah had four representatives; Ebenezer, three; Augusta, two; the District of the Great and Little Ogeechee, two, and eight smaller districts one each. It was through the Commons House of Assembly that Georgians for the first time were permitted a share in their own government.

## The Suffrage

It was many years before every Georgian obtained the right to vote. During colonial days and for a time after the Revolution, certain restrictions were imposed on the exercise of the voting privilege. No one could vote who did not own at least fifty acres of land, and the possession of five hundred acres was required of members of the Assembly.

## Courts

The principal court established was the General Court, located at Savannah. To preside over this court the Crown appointed a Chief Justice of Georgia. There were three assistant judges who were appointed by the governor. Inferior or justice courts were established to try minor cases.

## Governor John Reynolds (1754-1756)

There were in all three royal governors. The first was Captain John Reynolds, of the Royal Navy, who was appointed on August 6th, 1754, and reached Georgia in October. His tenure of office lasted only until August, 1756. His administration began pleasantly, but he soon became involved in quarrels with the Assembly and was recalled by the English government.

## Governor Henry Ellis (1757-1760)

To supersede Reynolds, Henry Ellis was sent to Georgia in February, 1757, as Lieutenant Governor.

He became Governor on May 17, 1758. Ellis was an efficient governor and during his short term of office the colony made considerable progress. The French and Indian War broke out while he was in office. It was the policy of the French and Spanish to stir up the Southern Indians to hostilities against the English. Governor Ellis's tactful handling of the Indians did a great deal to save the borders of Georgia from Indian massacres.

### **The English Church Established in Georgia**

In 1758 the province was divided into eight Parishes. In each Parish religious services were directed to be observed in accordance with the forms of the English, or Episcopal, Church. In establishing the English Church, no other was forbidden, except the Catholic. There were Presbyterians, Baptists, Methodists, Lutherans and Hebrews in the colony. They were all at liberty to worship in their own way, but the government intended to give to the Episcopal Church a position of superiority similar to that it enjoyed in England. All inhabitants, whatever their religious leanings, were required to pay the assessments to support the English Church.

### **Governor James Wright (1760-1782)**

Governor Ellis was not a strong man physically and found himself unable to endure the heat of the southern summers. In 1759 he asked for a recall.

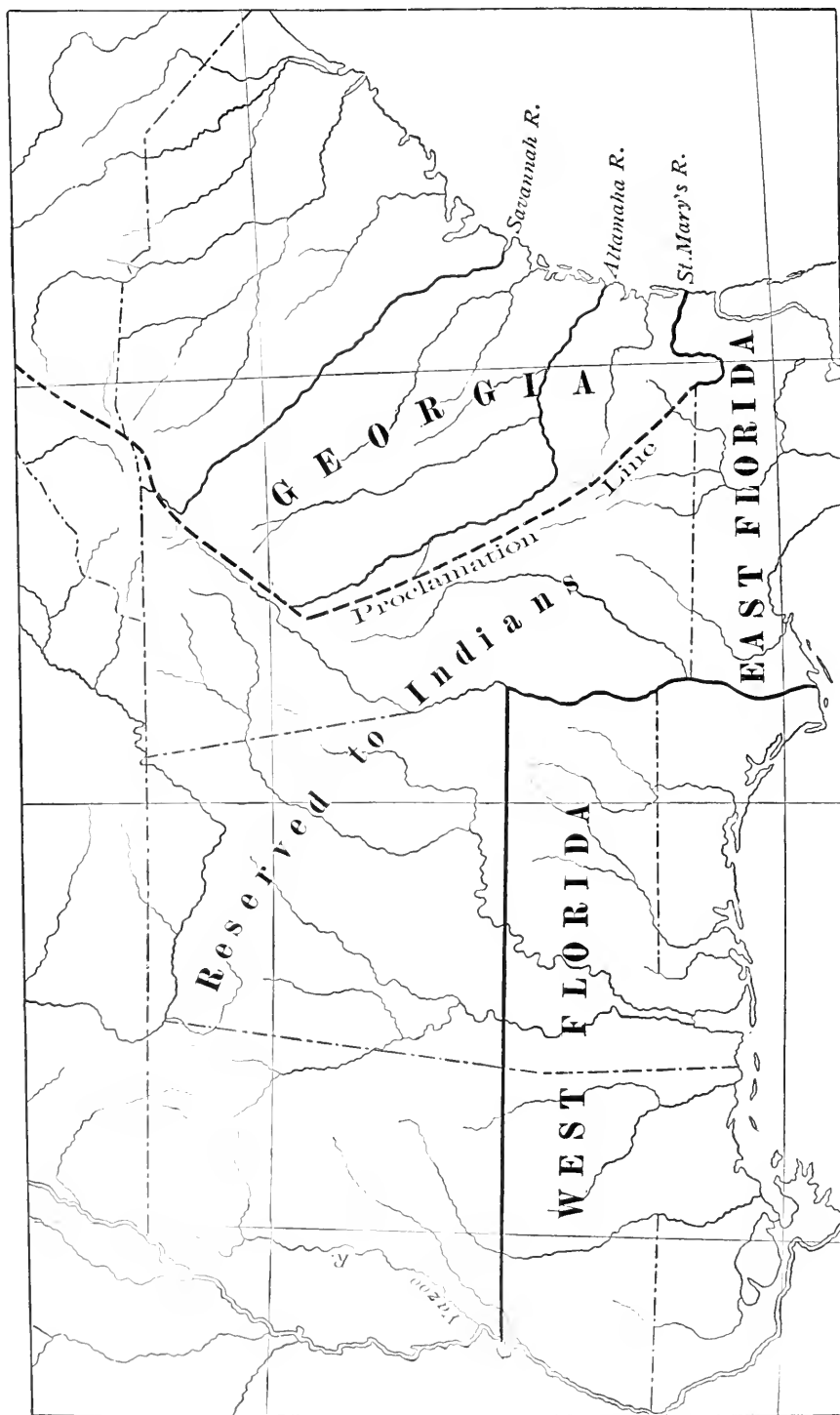
The request was granted, and he was relieved by Lieutenant Governor James Wright in the fall of 1760. Wright was made Governor on March 20th, 1761. He was the ablest and most popular of the three royal governors. His administration lasted from 1760 until the Revolutionary War. Indeed, his final departure from Georgia came only with the end of the struggle in 1782.

### **The St. Mary's River Made the Southern Boundary**

At the close of the French and Indian War, in 1763, the French ceded to England all of their territory east of the Mississippi River, and Spain gave up Florida. A proclamation of the British government of that year extended the limits of Georgia to the St. Mary's River. At the same time a "Proclamation Line" was established, joining the headwaters of all the rivers that flow into the Atlantic. The colonists were required to confine their settlements to the east of this line. The country beyond was reserved to the Indians.

### **Summary**

Disappointed at the failure of their plans for the colony, and having no funds with which to carry on the work, the Trustees resigned their office in 1752, and Georgia was made a Royal Province. This change meant that in the future Georgia would be under the direct control of the English government.





A new form of government was set up, including a Governor appointed for life by the Crown, a Council similarly appointed, and an elective House of Commons. Georgia had three royal governors. Governor Wright was the most important of these, being governor during the troublous times of the Revolution. In 1758 the Episcopal Church was established in the province. The territory of the colony was enlarged in 1763 by a royal proclamation fixing the southern boundary at the St. Mary's River.

*Additional Reading:*

Governor Wright: Northen, W. J., *Men of Mark in Georgia*, I, 361-365 (A. B. Caldwell, Atlanta, Ga.).

## CHAPTER VIII

### MATERIAL DEVELOPMENT, 1752-1776

#### Revival of the Colony after 1750

The repeal of the restrictions on land tenure and slavery in 1750 was the signal for a tide of immigration to Georgia. People had been leaving for a number of years, usually going to South Carolina, where the more liberal policy of the government held out larger hopes of prosperity. There were, in 1753, a few more than 2,000 white inhabitants in the colony, and a considerable number of these came after 1750. The movement of population was rapid. William Stephens, who was holding over as President until the new government could be installed, wrote that "People from all parts of his Majesty's dominions in America as well as from Germany and Great Britain are almost daily coming thither." We have four estimates of population during the period of the royal government. Arranged in tabular form, these figures show the rapid growth of the colony.

	Whites	Negroes
1753 .....	2,381	1,066
1760 .....	6,000	3,578
1766 .....	9,900	7,800
1772 .....	18,000	15,000

The whites increased nearly 700 per cent in twenty years, while the slaves increased much more rapidly.

These immigrants usually came as individuals, but sometimes entire colonies migrated to Georgia. The most important case of this sort was the Dorchester colony. The ancestors of these people were New England Puritans who a half century before had moved to South Carolina and built a town which they named Dorchester. Their lands had finally become impoverished, and hearing good reports of Georgia, they applied for and received a grant for about 32,000 acres of land on the Midway River, in what is now Liberty County.<sup>1</sup> The town of Sunbury, built by the Dorchester people, was for a number of years second only to Savannah in commercial importance. It took several years for the Dorchester community to wind up their affairs and effect the removal to Georgia. After all had come, the new settlement contained about three hundred and fifty whites and fifteen hundred slaves. As the newcomers were a prosperous, well-to-do people of the strong New England stock they were a welcome addition to Georgia. Some of our most important citizens were members of the Midway settlement; among others, Lyman Hall, one of the signers of the Declaration of Independence.

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<sup>1</sup> Stacy, James, *History of the Midway Congregational Church, Liberty County, Georgia*. Contains list of original settlers.

### **Small Farms under the Trustees**

It will be recalled that under the rule of the Trustees immigrants who came at the expense of the Trust were given only fifty acres of land, and laws were passed to prevent the consolidation of these small holdings. The idea was to create a permanent body of small farmers, who should do their own work, slavery being prohibited. The result was that in so far as Georgia was developed at all prior to 1752, the work had been done by small white farmers, working their own land. There were, it is true, a few men of means in the colony who had five hundred acre tracts in consideration of having brought in indented servants, but they were far from being the leading element numerically.

The fact is that during the first twenty years of the colony, Georgia life resembled that of New England. The people were not widely scattered over a great area of land, holding thousands of acres in each great plantation, as was the case in the other southern colonies, but lived in compact village communities of farmers, who cultivated the lands lying about their small towns.

### **Coming of Large Plantations**

With the removal of the restrictions as to the acreage one man might have and with the introduction of slavery, the artificial equality under which the colonists lived disappeared. Men of means began to

acquire large tracts of land and develop rice plantations with slave labor. As a rule, the land acquired by the planter element was land hitherto uncultivated, as there was an abundance. Many small farmers, however, to whom land had been given in desirable places, sold out their farms and moved to the interior or became laborers. An instance of this sort is the case of Abercorn village. This hamlet was originally in the hands of German Lutherans, but we are told that "The faithful but poor brethren could not cultivate nor continue to hold them (their farms), and were compelled to sell them to an Englishman in Savannah, who was likewise forced to re-sell them to Mr. Knox, who keeps a large number of negroes." Such was probably the fate of other villages of small white farmers. With the growth of large rice plantations, worked by overseers and negro slaves, the tendency was for the blacks to outnumber the whites in the rural districts, so that by 1773 there were fifteen thousand negroes to eighteen thousand whites, many of these whites, however, living in the towns.

Interesting records have been handed down of the land and slave possessions of some of the great rice planters. James Habersham in 1765 was farming on a large enough scale to make seven hundred barrels of rice. In 1772 he owned one hundred and ninety-eight slaves, from whose labor he realized an annual income of about ten thousand dollars. His three

plantations lay on the Ogeechee River. He found it impossible on account of health conditions to live on his plantations, and, as he had other business in Savannah, entrusted the management of his estate to a hired overseer.



A RICE PLANTATION, FLOODED.

*From Coman's "Industrial History of the United States." (McMillan.)*

Governor James Wright was another large-scale planter. In 1771 on his eleven plantations five hundred and twenty-three slaves were used, an average of twenty to the place. One John Graham owned 26,578 acres in 1771 and 228 slaves. At no subsequent period in Georgia history could individuals be found who conducted planting operations on a larger scale than did these early rice growers.

## **Social Classes**

With the appearance of the great planter it was inevitable that Georgia society should lose its former character. Relatively few men had the means to advance from the small farmer class to the ranks of the planters. A slave in 1772 cost two hundred and fifty dollars. Much expense was involved in purchasing a force of laborers and in clearing and improving land for rice culture. Hence the majority of Georgians remained in the small farmer class, many of them moved into the backwoods region of the coast and engaged in grazing, poultry raising and farming on a small scale. With wealth and leisure, education and culture increased among the planter element. Sons were often sent to Harvard, or Princeton, or to Europe, for their training, while governesses were employed for the girls. Savannah became quite a fashionable and wealthy town, as it was the custom of the planters to live there most of the year.

## **Control of Slaves**

South Carolinians had had a great deal of trouble with slave insurrections, so that when slavery was legalized in Georgia, the Assembly drew up a code of laws for the control of the negroes. The severity of the laws, which were copied from those of South Carolina, indicates the danger which slavery was believed to be to the peace of the colony. No slave

was allowed to leave the plantation without a written permit, and if caught without such permit could be whipped; the willful burning or destroying of a stack of rice, corn or other grain, or maliciously setting fire to a tar-kiln, barrel of pitch, tar, turpentine or resin, was punishable by death. Death was likewise the penalty for killing a white person, attempting to raise an insurrection or to entice a fellow slave to run away. Slaves were prohibited from carrying weapons unless with the written consent of the owner, and under no circumstances between Saturday evening and Monday morning. Anyone selling beer or whiskey to a slave was liable to a fine.

There were provisions in the law looking to the protection of the slave. It was made illegal to work slaves on the Sabbath, works of absolute necessity and domestic service being excepted. Slaves might not be worked longer than sixteen hours a day, and a system of fines was provided for failure to furnish sufficient food and clothing.

It was illegal to teach slaves to write, though this law seems not to have been observed. Every owner of twenty slaves was required to have one white servant capable of bearing arms. Owners of fifty were to have two white servants, and an additional white servant for every additional twenty-five slaves.

There was a marked spirit of consideration on the part of slave owners. James Habersham was deeply concerned for the spiritual and physical welfare of



his servants. He maintained a school for them on one of his plantations. One of the planters, a Mr. Knox, sent out from England two missionaries to christianize his slaves.

### Agriculture and other Industries

Rice production was the leading agricultural interest of the province. The river banks and marshes were devoted to this crop. Other commodities of which a surplus for export was made were corn, lumber, shingles, naval stores, cattle and horses. Industry was more diversified prior to the Revolution than after the rise of the cotton industry. It is true that the exports were small, but when it is remembered that only a few years before scores of shiploads of food were annually brought to Georgia, it is an evidence of great progress that the people were feeding themselves and had something left for sale.

### Silk and Wine

The original scheme of the Trustees looked to the production of silk and wine as the prime industries of Georgia. Governor Wright in a report of 1768<sup>1</sup> gave several reasons why the silk industry was unprofitable. It seems that the worms rapidly degenerated in the Georgia climate, but that, above all, the population was too sparse and labor too dear.

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<sup>1</sup> Jones, C. C., *History of Georgia*, II, pp. 75-78.

In fact, the only thing that kept up the industry was the bounty allowed by the English government. Great Britain was anxious to become independent of the southern European countries in this regard, and did everything possible to encourage silk production in Georgia. The government bought all the raw silk, bore the expense of preparing it for the market and of shipping it to England, besides paying a price of one shilling, six pence, per pound, though the market price was never more than one shilling and often was as low as six pence. The bounties paid by the government in these enhanced prices amounted in 1768 to twenty-five hundred dollars. Heavy frosts in 1769 and a reduction in the government price practically killed the business. In 1772 the operations of the filature in Savannah were suspended.

The experience of the colonists in grape culture was quite as unhappy. These industries are better suited to long settled countries, where the soil is highly improved and labor skilled and cheap. In abandoning them for the heavier crops, such as rice and corn, Georgians were simply adapting their agriculture to the existing physical conditions.

## **Commerce**

With the production of a surplus above the need of home consumption, commercial operations began. In the eighteen years of the Trust only one vessel filled with Georgia products left the colony; in 1761,

45 vessels were dispatched with Georgia made commodities. In 1772 the number had increased to 161 from Savannah and 56 from Sunbury, the total tonnage being 12,124. The average value of the exports for five years preceding 1773 was \$500,000. To England, deer skins, rice, indigo and naval stores were sent; to the West Indies, rice, corn, peas, lumber, shingles, cattle, horses, barreled beef and pork. The exports to Great Britain were about three-fifths of the whole in value. From England the colonists received shoes, hats and other wearing apparel, ironware, tea and paper. From the West Indies, rum and sugar. Flour, crackers and other foodstuffs came from the colonies further north.

### Summary

After the repeal of the restrictions on land tenure and the prohibition of slavery, the economic life of Georgia underwent a complete change. Instead of there being a very small white population of farmers working little farms with their own hands, there speedily grew up great plantations using negro slaves to do the work. The population increased very rapidly, and every year the proportion of negroes to whites became larger. The most fertile parts of the coast, i. e., the river banks and the marshes, were soon transformed from wilderness to rice plantations. The owners of these plantations did not live on them, but stayed most of the time in Savannah, Sunbury

and other towns. A harsh slave code was drawn up, but in practice much consideration was shown to the slaves. Within twenty years of the change from free to slave labor, Georgia was exporting a half million dollars' worth of agricultural products, and was well on the way to become a great and thriving province when the Revolutionary War came to interrupt the development.

## CHAPTER IX

### THE REVOLUTION, 1774-1778

The American Revolution was a protest against the colonial system of the English government. It was a struggle on the part of the colonists not only to get the control of their own internal affairs, such as the right to vote taxes, but also to obtain freedom from the interference of the mother country in their commercial activities.

#### Colonial Trade

The colonies in the eighteenth century were regarded by Great Britain simply as markets for manufactured articles and as sources of raw materials. Commerce was hampered by a number of irritating laws intended to secure to English merchants a monopoly of trade with the colonies. Parliament required that certain products of America should be sold only to England or to some British colony. The list of such products included tobacco, cotton, silk, coffee, indigo, naval stores, skins, sugar and rice, though the last three were sometimes allowed to be sent to foreign countries. For instance, in 1735 Georgia was given permission to export rice directly to any port south of Cape Finisterre. On the other

hand, no manufactured articles might be imported into America from nations other than the English, without the payment of heavy duties, nor were the colonists themselves permitted to establish any manufacturing enterprise which came into conflict with English manufacturers.

### Smuggling

In spite of these laws, for many years the colonies traded with the French and Spanish West Indies. This illegal traffic, known as smuggling, was very profitable and the laws were disregarded with so little protest from the government that the American merchants regarded them as practically repealed. The reason why the smuggling was winked at by English ministers was that Great Britain was engaged in foreign wars for many years and did not want to irritate the colonists by enforcing the laws. But in 1764, at the close of the French and Indian War, measures were taken to break up the commerce between the colonies and the possessions of France and Spain in the New World. This sudden enforcement of laws which had become almost obsolete threatened to ruin the merchants of the colonies, and was one of the powerful influences making for revolution.

### Question of Taxation

On the political side, the Revolution was due to the determination of the colonists to control their own

government. In coming to America the colonists claimed that they had not abandoned but had brought with them the liberties of Englishmen, such as the right to make their own laws, the right to trial by jury and the right to vote their own taxes. They were especially sensitive about taxation, because they knew that for centuries Englishmen had fought arbitrary kings over this very question. They knew there could be no local self-government without control over the purse strings.

### **The Stamp Act, 1765**

The matter of taxation became acute at the close of the French and Indian War. France had been defeated and had surrendered to England all her territory east of the Mississippi. But the English government believed France would make an effort to reconquer the lost lands, and to prevent this British statesmen determined to establish a small standing army in the colonies. Several of the colonies had not responded liberally to appeals for assistance during the last war and it was feared that they would not coöperate any better in the future. Now the national debt of Great Britain had been enormously increased by the period of wars through which she had gone, and as the standing army was intended to protect the colonists, it was thought fair to require them to pay part of the expense. Hence, in 1765, Parliament passed what was known as the Stamp Act. It re-

quired the colonists to purchase stamps, similar to postage stamps, and affix them to newspapers and any legal documents they might have occasion to draw up. It was estimated that these stamps would produce a revenue sufficient to pay less than half of the expense of the standing army, the balance to be paid by Parliamentary appropriation.

### Resistance of the Colonists

The colonists resented this tax and refused to pay it on the ground that Parliament had no right to levy a tax of this sort, as the colonists were not directly represented in Parliament. When a vessel, the *Speedwell*, arrived at Savannah, in December, 1765, bringing a stamp agent and a quantity of stamps, about six hundred Georgians gathered and told the governor that unless the stamps were removed from Savannah they would attack his house and destroy them. Governor Wright wisely had the stamps replaced on the *Speedwell*. Similar outbreaks occurred in the other colonies. Parliament, therefore, repealed the Stamp Act, but the seed of trouble had been sown. Quarrels and misunderstandings followed for ten years, until finally the colonies decided to fight for separation from England. In ~~1774~~ delegates from twelve of the colonies met in Philadelphia to make plans for united action. This body was known as the First Continental Congress.



## Division in Sentiment in Georgia

Georgia was not represented at the First Continental Congress. The majority of Georgians had not decided at that time what course of action ought to be taken. There was a very sharp difference of opinion as to the necessity of revolution, and it has been estimated that nearly half of the Georgia people remained faithful to the king. It is important to understand the causes of this division in sentiment.

## The Weakness of the Colony

Georgia was by far the youngest of the thirteen colonies, having been settled more than a hundred years after Virginia and Massachusetts. As yet in her infancy, the province was scarcely strong enough, in the opinion of many, for independence. The first twenty years were on the whole unsuccessful, and while there had been notable progress since the resignation of the Trustees, Georgia was still insignificant in population when compared with the other colonies. Georgia contained 33,000 inhabitants in 1773; Virginia, 400,000; North Carolina, 230,000, and South Carolina, 140,000. The fighting strength of the colony was almost negligible—according to the governor, only 2,828 able-bodied soldiers. In addition to the danger of slave insurrection, Georgia was in greater danger from Indian attack than any other colony, by reason of her position on the southern frontier. The surrounding tribes had

10,000 gunmen in 1773, and English agents had secured their support in the usual way through presents.

These were very real menaces to the safety of Georgians, and, in addition, there was at St. Augustine a strong British force, against whose advance into Georgia little resistance could be made. Georgia received a good deal of abuse during the early days of the war on account of her backwardness in embracing the revolutionary cause. Captain Hugh McCall, the first Georgia historian of the war, says: "The charge of inactivity vanishes when the sword and hatchet are held over the heads of the actors to compell them to lie still."

### **The Older Colonists Royalist in Sentiment**

Aside from these prudential reasons, other factors entered into the hesitation of Georgians. The men of weight in politics, society and business, were, as a rule, the older colonists, some of whom had been personal friends of Oglethorpe, and had passed through all the earlier vicissitudes of the colony. They remembered with lively feelings of gratitude the assistance Parliament had extended them in the dark days of the rule of the Trustees. Not less than half a million dollars had been appropriated for the colony by Parliament, aside from large individual donations. No other colony had been assisted in the same way. While not always approving Parlia-

mentary acts touching trade relations, the older colonists felt that it would be unpardonable treason to revolt against King George III. Such important men as James Habersham, Noble Jones and others had been so closely associated with the government that rebellion was with them out of the question.

### Attitude of the Younger Men

The younger colonists had, however, no personal recollections of these matters. They were irresistibly drawn into the struggle, fired by the example of the other colonies and dreaming of making an independent nation in the New World. This unfortunate division extended even to the point of separating families. James Habersham's three sons, James, Joseph, and John, were all on the American side, as was Noble Wymberley Jones, son of Noble Jones.

### First Revolutionary Meeting in Georgia

The royalist element in Georgia was ably led by Governor James Wright. He was a just and popular man and his influence kept many Georgians from joining the revolutionists. In spite of his efforts, however, a committee of patriots, Noble Wymberley Jones,<sup>1</sup> Archibald Bulloch, John Houston and John

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<sup>1</sup> Noble Wymberley Jones, son of Oglethorpe's friend, Noble Jones, was born in England in 1723. He was, therefore, fifty-one years of age at the beginning of the War. He was a physician by profession. During all the preliminary agitation, before the Revo-

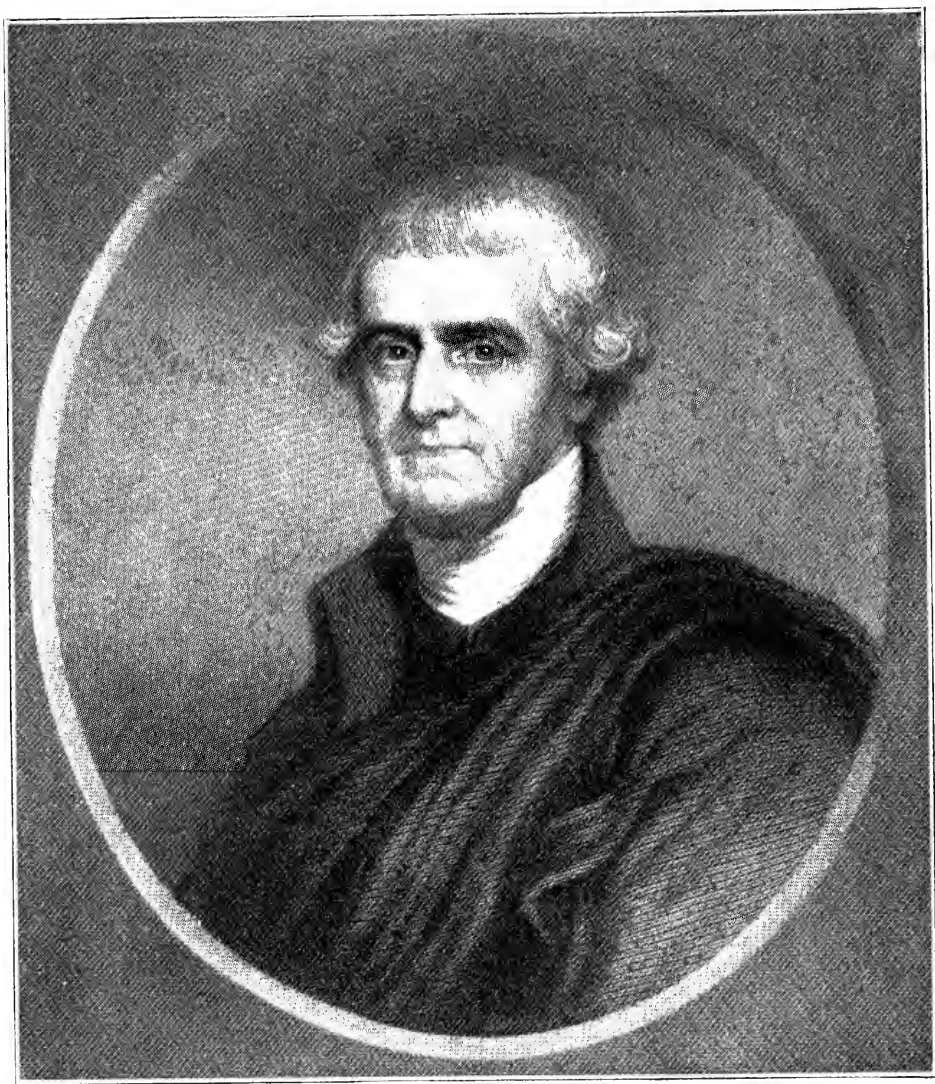
Walton, published a call for a meeting to be held on July 27th to discuss the situation. Communications were read from revolutionary committees in the other colonies. As some of the parishes were not represented, it was decided to adjourn until August 10th. Governor Wright issued a proclamation against "seditious meetings," but the meeting was held and spirited resolutions adopted condemning the coercive acts that Parliament had passed to punish Massachusetts. A committee of royalists, of which James Habersham, Sr., and Noble Jones were members, published in the *Savannah Gazette* a criticism of the patriot assembly's acts, and presently a meeting was called of all those who favored the royalist cause. About a third of the inhabitants in and near Savannah attended, and resolutions against agitation were passed.

### First Provincial Congress a Failure

The patriots who met on August 10th had not thought it wise to send a delegate to the First Con-

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lution had become popular, he worked hard for the American cause, serving on all the Committees and being an active member of the various Provincial Congresses. He was probably responsible to a larger degree than any other individual for the direction of affairs to the time of the fall of Savannah, in 1778. After that event, Dr. Jones went to Charleston, where he was captured and sent to St. Augustine. After the war, he returned to Savannah and resumed the practice of medicine. At seventy-two years of age, he presided over the Constitutional Convention of 1795. He died ten years later.



NOBLE WIMBERLEY JONES.

*From an engraving lent by Mr. W. J. DeRenne.*

tinental Congress, since, on account of the lack of harmony in the colony, no one could claim to represent the will of the colony. In January, 1775, a

Provincial Congress was convened at Savannah, but only five of the twelve parishes sent representatives. This shows how strong the royalist feeling was. The Congress was, of course, unable to do anything to bind the colony, though in spite of the fact that they represented only a minority, they appointed delegates to the Continental Congress. The failure of this effort to put Georgia in line with the other colonies was very humiliating to the patriots. The other colonies could not understand the local troubles, and South Carolina had resolved to have no intercourse with Georgia. The delegates named to present themselves to the Continental Congress declined, under the circumstances, to serve, but wrote a letter to the President of the Congress, beginning: "The unworthy part which the Province of Georgia has acted in the great and general contest leaves room to expect little less than the censure or even indignation of every virtuous man in America." These delegates were Noble Wymberley Jones, Archibald Bulloch<sup>1</sup> and John Houston.

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<sup>1</sup> Archibald Bulloch was born in South Carolina, in 1730. Moving to Georgia with his father in 1750, he soon entered the practice of law. He espoused the revolutionary cause, and in 1776 was president of the successful second Provincial Congress, and was by that body chosen "President and Commander-in-Chief of Georgia." He was thus the first republican head of our State. He would have signed the Declaration of Independence, but was kept at home by his duties as President. He died in 1777, shortly after the beginning of actual hostilities. He gave promise of a career of great usefulness and distinction.

## Battle of Lexington

Many Georgians who were hesitating were won over to the side of the revolutionists after the Battle of Lexington. As long as there was a chance for peace, they were opposed to encouraging rebellion, but when a definite choice had to be made, they were unwilling to fight against their fellow Americans. When the news reached Georgia that fighting had actually begun, a number of men broke into the powder magazine in Savannah and took from it six hundred barrels of powder. The leaders in this affair were Noble W. Jones, Joseph Habersham, Edward Telfair and John Milledge. All of these men became prominent. Edward Telfair and John Milledge were afterwards governors of the State, and Joseph Habersham served as Speaker of the House of Representatives.

## Second Provincial Congress

In July, 1775, a second Provincial Congress was summoned. This time every parish was represented. This Congress restored Georgia to the good favor of the other colonies, and elected as delegates to the Continental Congress John Houston,<sup>1</sup> Archibald

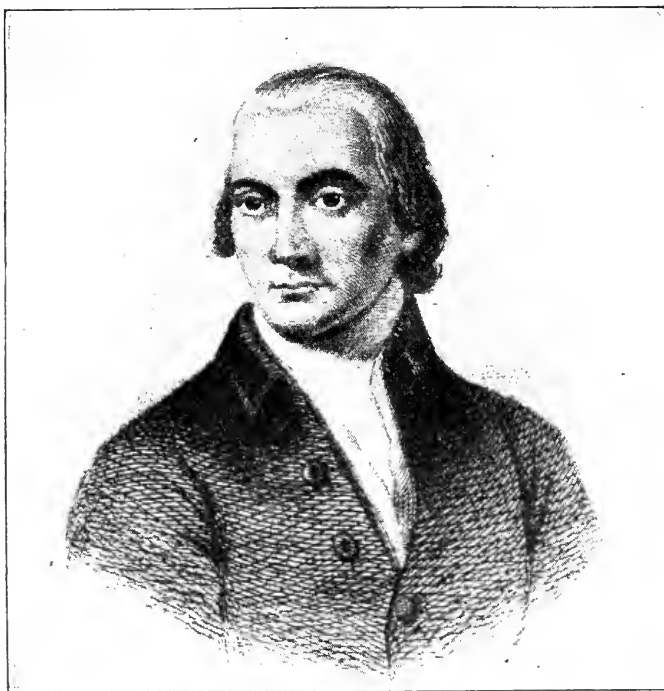
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<sup>1</sup> John Houston was born in what is now Burke County, in 1744. From the first he took an active part in fomenting resistance to Great Britain. In 1778, he was elected Governor of Georgia. In 1784, he was again elected to the governor's chair, and it was during his second term that the Charter of the University of Georgia was granted. He died in 1796.

Bulloch, the Reverend Mr. Zubly, Noble W. Jones and Lyman Hall.

### Fall of the Royalist Government

Feeling that at last a majority of the people were with them, the leaders proceeded to wrest control



LYMAN HALL.

*From an engraving lent by Mr. W. J. DeRenne.*

of affairs from the royalists. In August, 1775, the militia was purged of royalist officers; the port of Savannah was closed to British vessels, and in December all the courts were taken over by a Council of Safety. This Council was a body of about fifteen



leading republicans, created by a public meeting held at Savannah in June, 1775. To complete the destruction of the royalist government, in January, 1776, Governor Wright was arrested by Major Joseph Habersham. He was confined to his house under guard, but in a few weeks escaped to one of the king's vessels in the harbor.

### Declaration of Independence

The Provincial Congress met again in January, 1776, and chose Lyman Hall<sup>1</sup>, Archibald Bulloch, John Houston, Button Gwinnett and George Walton as delegates to the Continental Congress. Bulloch and Houston were unable to attend the Congress, but the other three delegates went to Philadelphia and signed the Declaration of Independence on July 4th, 1776.

### Summary

The colonies were actuated by two motives in rebelling against Great Britain. One was the desire

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<sup>1</sup> Lyman Hall was born at Wallingford, Connecticut, in 1724. Being graduated from Yale in 1747, he joined his co-religionists at Dorchester, S. C., and when they moved to Georgia, came with them and settled on the Midway River in St. John's Parish. This parish was strongly in favor of the revolution from the first, and many of the leaders of the movement came from that settlement. Its name of Liberty County perpetuates the spirit of the inhabitants. When Georgia declined in January, 1775, to send delegates to the Continental Congress, Lyman Hall went as an independent delegate from St. John's Parish. He became Governor of Georgia in 1783, and died in 1790.

to get rid of artificial restrictions on their trade; the other to secure a larger measure of local self-government. Their resistance to the Stamp Act was not due to a feeling that the tax was burdensome, but to unwillingness to pay a tax which their own Assemblies had not voted. The revolutionary movement in Georgia was almost wholly a sympathetic one. Georgia was not a commercial colony and did not, therefore, feel greatly hampered by the trade regulations; and there had been very few conflicts between the local assembly and the English government. Conscious of no ill treatment, the older colonists, some of whom had been personal friends of Oglethorpe and remembered the assistance given the colony during the early years, refused to join the patriotic cause. The younger men, however, were fired by the example of the patriots in the other colonies and ardently joined the revolutionary party. The result was that the war in Georgia was peculiarly terrible, approaching at times civil war. The Battle of Lexington turned many waverers to the patriot cause, so that the revolutionists were able to obtain control of the colony early in 1776.

*Additional Reading:*

Causes of the Revolution: Evans, L. B., *Essential Facts of American History*, pp. 174-187. Biographical Sketches of N. W. Jones, Archibald Bulloch, Lyman Hall, and others mentioned in the chapter: Northern, W. J., *Men of Mark in Georgia, I*.

## CHAPTER X

### THE REVOLUTION, 1778-1783

#### Campaigns in South Georgia

The military activity of the Province of Georgia was directed against Florida in the early phase of the war. It will be remembered that Florida had been ceded to Great Britain in 1763. St. Augustine had been strongly fortified and again became a menace to the safety of Georgia, just as it was during the Spanish War. The southern border of the colony was constantly harried by marauding bands of British, Indians and royalists. Three separate expeditions were organized against St. Augustine, but, as was the case when Oglethorpe tried to take the city, all of the attempts ended in failure. Disputes among the commanders, inadequate preparations and sickness prevented any of these invasions from getting even as near St. Augustine as the point Oglethorpe had reached.

#### Fall of Savannah

In 1778 the British decided to transfer the theatre of the war to the South and make an effort to secure control over Georgia and the Carolinas. In pursuance of this plan, Colonel Archibald Campbell sailed

from New York with a heavy force to attack Savannah. General Augustine Prevost, Commander of the British army in Florida, sent two forces to coöperate with Campbell, one under Lieutenant-Colonel Mark Prevost by land, the other under Colonel Fuser, by water. The two were ordered to join their forces at Sunbury.<sup>1</sup> Lieutenant-Colonel Prevost entered Georgia on November 19th, 1778, taking captive all men found on plantations and plundering the people of every article of value. Resistance was offered near Midway Meeting-House, in Liberty County, by Colonel White, General Screven and Major James Jackson. General Screven was killed, and the small force of Georgians was compelled to retreat. Such vigorous preparations for defense were made at Ogeechee Ferry, however, that Prevost decided to return to Florida. Colonel Fuser, coming by water, did not arrive on time, and Prevost did not feel strong enough to proceed without him. Having desolated the region about Midway, Prevost turned his face southward. Late in November Fuser reached Sunbury, but not finding Prevost, and being unwilling to attack the place without assistance, returned to the St. John's River. The failure of these expeditions gave Georgia a short breathing spell. But on December 6th news reached Savannah that Campbell's fleet was on the way from New

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<sup>1</sup> See map, p. 50.

York, and that General Prevost was marching from Florida. Campbell reached the Savannah River on December 27th, with 2,000 regulars. Major-General Howe, commander of the American forces in the South, was encamped near Savannah, awaiting reinforcements. His entire force numbered only 672 raw militiamen. He held a council of war and asked his officers whether it would be advisable to abandon Savannah or resist the attack. He was advised to stand by the city to the last. General Howe was not a capable commander. He did not choose a good position, and left several strategic points undefended. He was especially culpable in not having defended a private way by which his right could be turned, though informed of the path by Colonel George Walton. This path was revealed to Campbell, who immediately saw its importance. He sent a force of infantry by this path and was able on December 29th to attack Howe both in front and in the rear. Completely defeated, the small American army retreated up the Savannah and crossed into South Carolina. The American loss was eighty-three killed and drowned; while thirty-eight officers and more than four hundred men were captured. The British lost only three men killed and ten wounded. For the conduct of this engagement General Howe was court-martialed, and, though acquitted, his military reputation was never recovered.

Entering the town of Savannah, the British fearfully abused all patriots, robbing, insulting and imprisoning those who would not join the British side.

### **British Conquest of North Georgia**

Leaving a garrison in Savannah, Campbell marched up the Savannah and took Ebenezer on January 2, 1779. Many Georgians, oppressed in every way, returned to their allegiance rather than suffer the destruction of their property, if not the loss of their lives. About this time General Prevost arrived at Sunbury from St. Augustine, bringing some 2,000 men. The town was taken on January 10th. Prevost then took command of all British forces in Georgia.

Augusta was then the only town remaining in the possession of the Americans. About the middle of January, Colonel Campbell sent a thousand men to take the town. Ineffectual resistance was offered by small forces under Colonels John Twiggs, Benjamin and William Few and General Elbert; and when the British reached Augusta, the American commander, Brigadier-General Williamson, surrendered without waiting for an attack.

### **Guerrilla War**

Georgia was now completely in the hands of the enemy. After the fall of Augusta, the people of North Georgia fled towards South Carolina, taking

all portable effects. For some time a sort of guerilla warfare was kept up between more or less independent bands of patriots and the "Tories," as the Americans who fought in the British army were called. On the American side were to be found Colonels Pickens, John Dooly, Elijah Clarke, John Twiggs, Captain McCall and others. The Battle of Kettle Creek in February was the most important engagement, a substantial victory for the Americans. In this battle the British force was 600 men, the American 400. This success encouraged many Georgians to return to the state; troops began to gather, the Tories in upper Georgia were routed, and Campbell decided to abandon Augusta.

### **Battle of Brier Creek**

In March, 1779, General Benjamin Lincoln, who had succeeded Howe as commander of the Southern Department, determined to move to the assistance of Georgia. About 8,000 men were under his command. The patriot General Ash, with about 2,300 men, was encamped at the confluence of Brier Creek and the Savannah River. At this point General Lincoln arranged to concentrate all available troops and begin operations to relieve Georgia. But General Ash had injudiciously located his camp, had taken no precautions to watch the enemy, and had weakened his command by sending out too many detachments. Before Lincoln reached him, he was

attacked and completely defeated by Colonel Prevost. This was an unfortunate affair, as many Americans who had begun to pluck up their spirits again despaired of ultimate success, and the projected attempt to recover Georgia had to be abandoned. Many Georgians and Carolinians joined the British side.

### **French and Americans Attack Savannah**

The French king, who had suffered so many reverses at the hands of England, assisted the Americans in their fight for independence. A fleet was sent over under the command of Count d'Estaing. In 1779, General Lincoln and d'Estaing made a joint attack on Savannah. Lincoln marched from South Carolina with 2,100 men. His advance guard was led by General Lachlan McIntosh, a Georgian, and Count Pulaski, a Polish nobleman. The force of Count d'Estaing numbered 4,500 men. Savannah was defended by 2,500 British and Tories. The forces of Lincoln and d'Estaing were joined on September 16th, 1779. The French general had unwisely on the day before granted a truce of twenty-four hours. Had he attacked at once the British could not have defended the city, as their cannon were not mounted. In reply to d'Estaing's note demanding the surrender of the place, Prevost had asked for twenty-four hours, ostensibly to consider the matter, really to mount the cannon. During the



twenty-four hour truce the cannon were put in position and a considerable reinforcement under Colonel Maitland reached the town.

After besieging the city for about three weeks, a grand assault was made on October 9th. The French were formed into three columns, led respectively by Count d'Estaing, Colonel de Steding and the Viscount de Noailles. The Americans were in two columns, one led by Colonel Laurens of South Carolina, the other by General McIntosh. General Lincoln, by virtue of his rank, commanded the reserve; and the cavalry was commanded by Count Pulaski. General Isaac Huger, with a force of 500 men opened the attack on the extreme left—this movement being a feint to conceal the main attack. The columns then hurled themselves against the breastworks with conspicuous dash and bravery, but to no purpose. The British were skillfully directed and their works were too strongly constructed to be taken by the attacking armies. On the failure of the assault, Lincoln led his force to South Carolina, and d'Estaing sailed away. The American loss was 312; the French 821. The British lost 40 killed, 63 wounded, four missing and 48 by desertion.

### Desperate Condition of the Patriots

The condition of the republicans in Georgia was now very distressing. The fall of Charleston, in May, 1780, added to the general sense of insecurity.

Several brave spirits, Twiggs, Clarke, Dooly, Few, Jackson and others kept together small bands of Georgians in the northern part of the state, protecting the inhabitants as best they could from the Indians and Tories. Of this sort of warfare, our great Georgia historian, Charles C. Jones, says: "Merciless was the war waged between Royalists and Republicans. The former, inflamed with hatred and eager for rapine, spared neither age nor sex. Ruin marked their footsteps, and their presence was a signal for theft, torture, murder and crimes without a name. Revenge and retaliation prompted the Republicans to many bloody deeds which can scarcely be excused even in a defensive war."

### Turning of the Tide

By the spring of 1781 matters began to look brighter for the American cause. Several engagements had been won in North and South Carolina, notably at Cowpens in the latter state. General Nathanael Greene had succeeded General Lincoln as commander of the Southern Department. In April he ordered General Pickens and Lieutenant-Colonel Lee, known as Light Horse Harry Lee, to march on to Augusta. The place was already being invested by forces under James Jackson and Elijah Clarke. The town surrendered on June 5, 1781, and Major Jackson was placed in charge of the fort.

The capture of Augusta placed the northern

counties of Georgia in the hands of the Republicans. The following January General Anthony Wayne came to Georgia to take command. The British were gradually forced southward, fort after fort was taken, the enemy was eventually shut up in Savannah, and the town surrounded. Supplies were cut off and a regular siege was begun. This was the situation of affairs when news of the cessation of the war came. Governor Wright notified General Wayne that peace had been made; terms of surrender were agreed upon, and Savannah was evacuated on July 11th, 1782, the keys of the city being delivered to James Jackson.

### **Political Affairs During the War**

Mention has already been made of the Council of Safety, which was a committee of revolutionists formed in June, 1775. It was a sort of executive head of the revolutionary movement until a regular government could be devised. This Council purged the militia of royalists, raised troops, conducted the courts and took over the duties formerly exercised by Governor Wright.

In April, 1776, a Provincial Congress of delegates from the several parishes prepared a temporary constitution. This constitution provided for a "President and Commander-in-Chief," to be elected by the Provincial Congress, for six months. The Council of Safety was continued, and was made to consist of

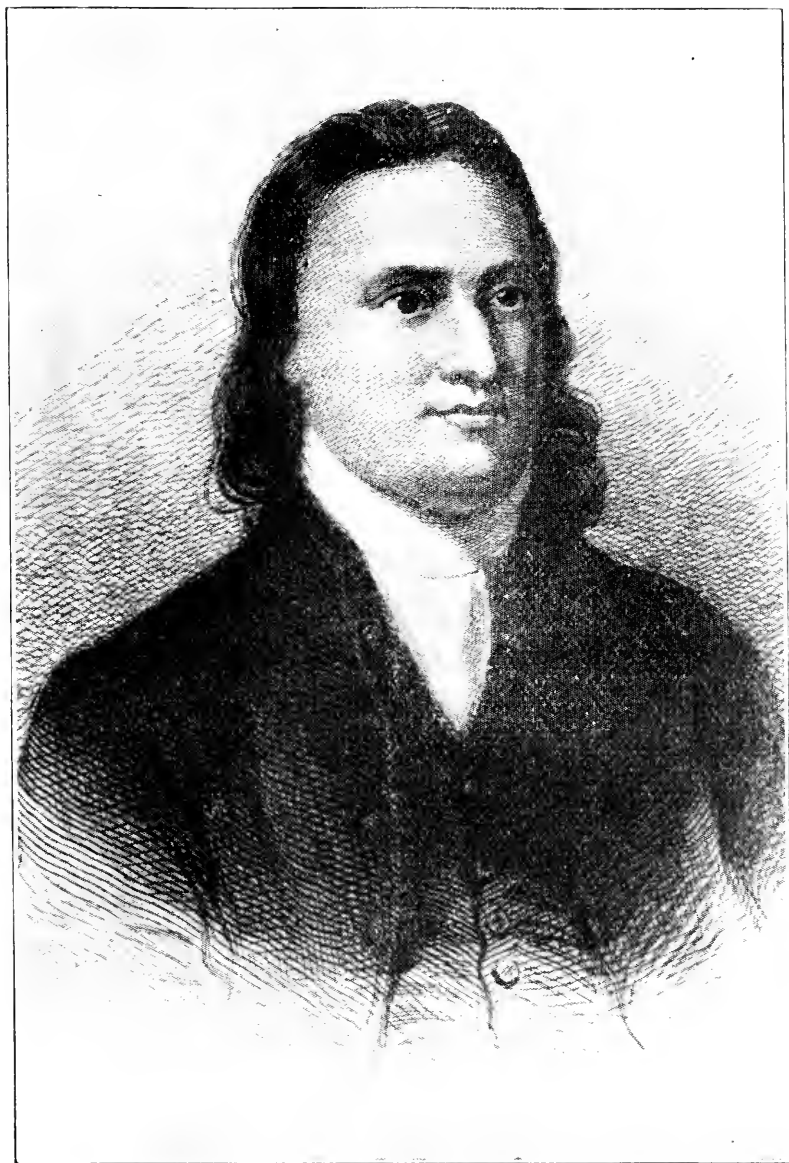
thirteen persons, in addition to the five delegates to the Continental Congress. The President was required to consult this Council and follow its advice in all official matters. Archibald Bulloch was the first President and Commander-in-Chief. On his death Button Gwinnett<sup>1</sup> was appointed by the Council to fill the position until a regular election could be made by the Provincial Congress.

### **The First Constitution of Georgia, 1777**

After the Declaration of Independence a Constitution was adopted, the first constitution of Georgia as a sovereign State. When the authority of the British government was cast off, it became necessary for the people themselves to draw up a document, containing the form of government and the laws

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<sup>1</sup> Button Gwinnett was born in England about 1732. As a young man he emigrated to South Carolina, but soon moved over into Georgia. For a short while he engaged in mercantile affairs in Savannah, but eventually became a farmer in St. John's Parish. Espousing the popular cause, he was made a member of the Provincial Congress in 1776 and was named a delegate to the Continental Congress the same year. On the death of Archibald Bulloch in 1777, Gwinnett became President and Commander-in-Chief of Georgia. He was a candidate for Governor at the first election held under the Constitution of 1777, but the Assembly passed him by and elected Treutlen. General Lachlan McIntosh, with whom Gwinnett had had some differences, openly expressed his pleasure at the result of the election. This angered Gwinnett and he challenged McIntosh to a duel. Gwinnett was killed. General McIntosh was indicted, tried, and acquitted, but Gwinnett's friends felt very bitterly over the affair and a serious division was caused in the Republican ranks.



BUTTON GWINNETT.

*From an engraving lent by Mr. W. J. DeRenne.*

under which they desired to live and be governed. The adopting of a constitution is the highest function of a self-governing people. A republican form of government was created, with an elective legislature and a governor and council.

### **The Legislature**

The duty of law-making was entrusted to a legislature of one house, consisting of representatives annually elected by the people. Representation was distributed among the counties in accordance with their relative importance. The small counties of Glynn and Camden were given one representative each; the large county of Liberty had fourteen members, and each of the other counties ten. In addition to the county members, the town of Savannah was given four representatives, and Sunbury two. Representatives had to be not less than twenty-one years of age and possess two hundred and fifty acres of land or other property to the value of two hundred and fifty pounds. All male white inhabitants not less than twenty-one years of age who owned as much as ten pounds worth of property were permitted to vote. Mechanics were exempted from the property qualification. An interesting provision was the authorization of a fine for failure to vote.

### **Governor and Council**

The executive function was placed in the hands of a governor and council, both being elected by the

assembly of representatives. The governor and council held office for one year. During the sessions of the assembly the members of the council were required to be present in order to suggest amendments to proposed laws, but the assembly might disregard such amendments. Both governor and council were thus under the control of the elected representatives of the people, whereas under the royal government the governor wielded practically autocratic power.

### **Parishes Become Counties**

The twelve parishes of Georgia were made by this constitution into eight counties, called Wilkes, Richmond, Burke, Effingham, Chatham, Glynn, Camden and Liberty. Liberty County was so called on account of the ardent revolutionary sentiment of the people of Sunbury and its neighborhood; the other names are those of distinguished Englishmen who took the part of the colonies in the various disputes leading up to the Revolution.

### **Other Provisions of the Constitution**

The Constitution also guaranteed the right of habeas corpus, freedom of the press, religious toleration and trial by jury. The legislature was required to establish in each county schools to be supported at the general expense of the state.

## John Adam Treutlen

John Adam Treutlen was elected governor under this constitution in May, 1777. He is, therefore, the first governor of Georgia as an independent state.

On the fall of Savannah in 1778, Augusta was made the capital, and when Augusta was threatened, the seat of government was located at Heard's Fort, now Washington, in Wilkes County. As practically the entire state was then in the hands of the British, there was really no need for a formally organized government. Governor Wright, in the meantime, had reestablished the royal government at Savannah and continued to exercise his powers there until the final surrender of the city. There were thus two separate sets of officials in Georgia, one representing the people, the other the English king.

When the British abandoned Augusta, in 1781, the capital was again removed to that town. An assembly was convened and Dr. Nathan Brownson was elected governor. At the election of 1782 John Martin became governor. During his administration the war closed, and Savannah again became the capital.

## Summary

The main events of the Revolutionary War in Georgia are the two battles of Savannah. In both these engagements the Americans were defeated. The other two battles of importance were those at Kettle



Creek and Brier Creek, the former a victory for the revolutionists, the latter for the British and Tories. The war in Georgia was peculiarly cruel and destructive because Georgians were so evenly divided between allegiance to the British and to the American cause. A constitutional form of government was put into operation as soon as the royalists were overthrown. This government exercised authority wherever the patriots were dominant, but over most of the state from 1778 to 1782 the royalist government, represented by Governor Wright, was in control.

*Additional Reading:*

Stories of interesting persons and incidents in Georgia during the war: Harris, Joel Chandler, *Stories of Georgia*, pp. 57-114, Robert Sallette, Paddy Carr, Nancy Hart, Elijah Clarke, James Jackson.

## CHAPTER XI

### GEORGIA ENTERS THE FEDERAL UNION, 1783-1789

#### The Articles of Confederation

When the colonies threw off their allegiance to England, they became, in the words of the Declaration of Independence, "free and independent states," with no bond of union between them. Each was free to establish her own laws and form of government without considering the opinion of the other states. But realizing the strength of union, the colonies had banded together for the purpose of fighting Great Britain. The document which contained the form of government of the confederated states was known as the Articles of Confederation. Some of the states were so jealous of their independence that they hesitated a long time before entering into the union; indeed, it was only near the close of the Revolution, in 1781, that all the states had accepted the Articles.

#### Defects of the Confederacy

The government instituted by the Articles of Confederation proved hopelessly inadequate for a national life. All the powers given up by the individual states were lodged in the hands of a Congress.

This Congress consisted of delegates from the several states and as each state was allowed one vote, tiny Rhode Island had as much weight as great Virginia or Massachusetts. No important legislation could be enacted without the affirmative vote of nine of the thirteen states. Congress could levy no taxes, but was limited to calling on the states for contributions, each state reserving to itself the right to levy all taxes. Congress was wholly without power to compel the obedience of a state to the national law. Another fundamental weakness lay in the lack of Congressional control over commerce. Each state levied its own customs duties, and tariff wars among them were common.

Under this weak government the states lived for several years after the close of the Revolution, and all the time the country was drifting towards bankruptcy and anarchy.

### **A Stronger Form of Government Necessary**

The only remedy for these conditions lay in the creation of a new form of government, endowed with enough power to cope with the difficulties which confronted the nation. Accordingly, in May, 1787, a great convention of delegates from the states met in Philadelphia. The strongest minds in America were present, Washington, Franklin, Hamilton, Madison, Randolph and many others. Georgia elected as delegates William Pierce, William Hous-

ton, William Few, Abraham Baldwin, George Walton and Nathaniel Pendleton. The last two did not attend, and only Few and Baldwin signed the Constitution.

The Virginia delegates thought that the prime defect in the existing order of things lay in the fact that Congress represented not the people, but the states, and they therefore proposed the creation of a new congress to consist of a lower house, the members of which should be elected by the people directly; and an upper house to be elected by the lower house. Had this measure been adopted it would have entirely destroyed the participation in the government of any state as such, and would have made the states into a centralized nation. The small states opposed the plan, because as representation in the lower house would be based on population, their influence would be as nothing when compared with that of the great states.

### First Compromise of the Constitution

In order to protect the interests of the small states the "Connecticut Compromise" was introduced, by which it was proposed to have Congress consist of a lower house elected by the people, and an upper house in which the states should be equally represented. The voting on this question was very exciting. Rhode Island having refused to take part in the convention, and New Hampshire having no dele-

gates present at the time the vote on the Compromise was taken, there were only eleven states represented. The vote of the states was taken in this way. The delegates from each state took a vote among themselves to determine the attitude of that state, each state having one vote. The roll of states was then called, beginning with the oldest. Ten states had voted and the vote stood a tie when Georgia's turn came. It was a most critical moment. Georgia's vote was expected to be against the Connecticut Compromise, as Georgia had consistently voted with the states desiring a strong national government. But one of the two Georgia delegates present, Abraham Baldwin<sup>1</sup>, was convinced that failure to accept the

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<sup>1</sup> Abraham Baldwin was one of the most conspicuous and valuable men in the state during the early years of the Union. He came to Savannah at the close of the Revolutionary War, where he was admitted to the bar. He at once impressed himself on the people, and three months after his arrival was elected to the legislature from Chatham. Georgians are indebted to him not only for his invaluable services in the Constitutional Convention of 1787, but for his leadership in the establishment of the University of Georgia. It is an undoubted fact that he first proposed the founding of the institution, and it is probable that he actually wrote the charter. At any rate, he became the first President, though he was only nominally at the head of the institution, since it was sixteen years after the granting of the charter before the college was opened to students. Baldwin then resigned his nominal presidency in favor of Professor Meigs whose services Baldwin had secured. Both Baldwin and Meigs were graduated from Yale. Baldwin became United States Senator in 1801, and was President pro tempore of the Senate for two years.

Compromise might mean the disruption of the convention. He therefore refused to follow William Few in voting against the Compromise, and in this way divided the vote of Georgia. The historian, John Fiske, has paid this tribute to Baldwin's action: "It was Abraham Baldwin, a native of Connecticut and lately a tutor in Yale College, a recent emigrant to Georgia, who thus divided the vote of that state, and prevented a decision which would in all probability have broken up the convention. His state was the last to vote, and the house was hushed in anxious expectation, when this brave and wise young man yielded his private conviction to what he saw to be the paramount necessity of keeping the convention together. All honor to his memory!"<sup>1</sup>

The principle of the Compromise was adopted some days later.

In casting her vote with the large states, however, on many disputed questions the delegates from Georgia appear to have had the backing of her people. The explanation of this fact is that with the large extent of our territory, Georgians felt that in time the state would take rank with the great states.

### The Second Compromise

The adoption of the Connecticut Compromise was the most important act performed by the convention,

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<sup>1</sup> Fiske, John, *Critical Period of American History*, p. 251.

but much remained to be done. The first struggle was between the large and small states. The second was between the slave and free states. In apportioning, according to population, the number of representatives of the several states in the lower house of Congress, the free states were unwilling that the slaves in the South should be counted. They claimed that negroes were property, not persons, while the Southern delegates insisted that the negroes should be reckoned as part of the population. A similar question had arisen during the war. Money for the army had been raised by requisition on the states in proportion to their population. At that time the North had maintained that the slaves were persons, and that the South's pro rata of money should be reckoned on the whole population, white and black. The South on the other hand had claimed that slaves were property only and not persons. It is clear that self-interest colored the views of both sections at both times. The dispute had been settled by counting a slave as three-fifths of a person in estimating the population for purposes of taxation; and now, in 1787, this former compromise was adopted; so that until the Civil War, in estimating the number of representatives from the South in Congress, the negroes helped to swell the Southern representation and gave her a disproportionate voice in the government of the country.

### The Third Compromise

The third compromise of the Constitution involved congressional control over commerce and the abolition of the slave trade. All the states except South Carolina and Georgia desired to prohibit the importation of any more negroes from Africa; the New England states were very anxious to give Congress control over commerce. The South, opposed to making an unreserved surrender in this matter, advocated requiring a two-thirds vote of both houses before any measure affecting commerce should become law. They feared that the New England States would get a monopoly of the carrying trade and impose ruinous freight rates for transporting their rice and indigo to Europe; as well as enact tariff legislation hostile to the interests of purely agricultural states. Here was good material for a compromise. New Hampshire, Massachusetts and Connecticut voted to prolong the slave trade for twenty years, and Georgia and South Carolina supported Congressional control over commerce.

Only the details now remained to be worked out, the three great questions having been settled by compromise. Later in the year, the Federal Constitution was placed before the people of the states for adoption or rejection. Georgia, on January 2, 1788, in a convention at Augusta, ratified the instrument, being the fourth state so to do.



## **New State Constitution, 1789**

Constitutional conventions met in Georgia in 1788 and 1789 for the purpose of making a new constitution that would harmonize with the Federal Constitution. The constitution of 1777 had been hastily made and was considered unsatisfactory. Its provisions were drawn up while the people were yet strongly under the influence of colonial ideas. The new constitution of 1789 was a more systematic document and more democratic in its tendencies. The governor's council established in 1777 was dropped and a second house called the Senate added to the legislature, to consist of one member from each county, elected by popular vote. The property qualification for the suffrage was dropped, that for membership in the lower house reduced from 250 to 200 acres, and the qualification of senators was fixed at 250 acres. The method of selecting the governor was changed. In 1777 he had been elected by the lower house of the assembly. Now the lower house suggested three names to the senate, which chose one of them as governor.

## **Constitution of 1798**

The third of the state constitutions is one of great importance. The men who directed the work of the convention represented the highest ability of the state. Among the delegates were Jared Irwin, James Jackson, Thomas Spalding, Peter J. Carnes,

Robert Watkins and Benjamin Taliaferro. So well was their work done that Georgians lived under this constitution until the Civil War. The cumbersome method of electing the governor was replaced by the simpler plan of having the two houses of the assembly meet in joint session for that purpose. Property qualifications for the governor, senators and representatives were lowered, but not abandoned. No one was eligible for the governor's seat who did not possess five hundred acres of land and four thousand dollars' worth of property. This constitution established an adequate system of courts. The African slave trade was abolished. Under the Federal Constitution the slave trade might have been continued until 1808; and it is interesting to have this evidence of the decline of the importance of slavery before the wholesale planting of cotton began. The passage of slaves across the ocean in the holds of ships, with the slow rate of speed, and the inhumanity of the skippers, was a very horrible thing; and public sentiment all over the Union, South as well as North, was against it.

The Constitution of 1798, as well as that of 1789, provided for habeas corpus, trial by jury, freedom of the press, and religious toleration.

### Summary

After declaring their independence of Great Britain, the thirteen colonies entered into a loose

form of union under a constitution known as the Articles of Confederation; but after a few years a demand arose for a stronger government. A new Constitution was, therefore, made in 1787 by a convention summoned to suggest amendments to the existing constitution, and was adopted by all the states. This Federal Constitution is the one under which we now live. The state of Georgia adopted two new constitutions before the close of the century, one in 1789, the other in 1798. The Constitution of 1777 had been hastily made during the Revolution, and many of its provisions were unsatisfactory.

## CHAPTER XII

### SETTLEMENT OF MIDDLE AND NORTH GEORGIA, 1782-1800

#### Desolate Condition of Georgia

The dawn of peace found Georgia in a prostrate condition. The more important towns, Savannah, Sunbury, Ebenezer, and Augusta, were almost in ruins. Agriculture and commercial operations had been abandoned; hundreds of people had left the state; many negro slaves had fled or been taken away by royalists; churches and schools were closed; there were no courts nor judges. The hand of war bore peculiarly hard on Georgia because of the fratricidal nature of the struggle in this state.

#### Recuperation

But the recovery began at once, and in a very short time the ravages of war were repaired. The planters in the low country about Savannah were soon pursuing their former lives and occupations. In North Georgia suffering was especially great because the settlements were new and there were no well established and populous communities.

## Immigration from Virginia and the Carolinas

With the cessation of hostilities, a remarkable immigration of settlers set in from the states to the north of Georgia. The seaboard settlements were made by Europeans; but the settlers of Middle and North Georgia were native Americans, moving southward in search of new lands. Virginia, Maryland, North Carolina and South Carolina all contributed to people the vacant territory of our state. This movement had begun a score of years before the Revolutionary War. As soon as slavery was allowed and the early restrictions on land tenure were removed in 1750, the rich lands of Georgia became irresistibly attractive to settlers, and Georgia's wise policy of granting land free to actual settlers brought thousands of immigrants. The records of the Governor and Council for a number of years after the resignation of the Trustees in 1752 are largely a record of land grants. The first immigrants came principally into St. George's parish, now cut up into Burke, Jefferson and Screven Counties.

## Wilkes County Settled. Head Rights

Need for more land was soon felt, and in 1763 and 1773 Governor Wright obtained several cessions of land from the Indians. The most important of these tracts was the land lying around the Broad and Little Rivers. The Constitution of 1777 named this land Wilkes County. Two hundred acres of land were

offered to each head of a family settling in Georgia. This method of granting lands was known as the Head Rights system. In addition to the two hundred acres, fifty acres were given for each child and each slave owned by the head of the family, provided that no grantee was to have rights for more than ten negroes. Subsequent amendments modified the law so as to prevent too much land going to one person and to prohibit people from getting land grants and not coming to settle. Immigrants poured into the Broad and Little River country in a steady stream, a movement which was not checked during the early years of the War, for the reason that North Georgia was far from the scene of conflict. In 1779, however, when the British invaded North Georgia, a temporary check came; the new settlements were in many cases entirely destroyed and a large number of people fled into Carolina.

After 1782 the flood of immigration was again turned toward Georgia. Wilkes County was settled with marvellous rapidity. The first census, 1790, revealed the interesting fact that of the 82,000 Georgians, 36,000 lived in that county alone.

### **Franklin and Washington Counties Settled**

Before the end of the century another large body of land was made available. The Cherokees and Creeks took the part of the British in the war and committed many crimes against life and property. In

1783 a raid was organized against them and they were compelled to cede a tract of land lying about the sources of the Oconee. This tract was divided by the Legislature in 1784 into two counties, the northernmost being named for Franklin, the southern for Washington. Immigrants were invited. One thousand acres of land was set as the limit for each family, and a price of three shillings per acre was put on the land. This price discouraged immigration, and the following year the law was amended so as to require payment only for each acre in excess of one thousand acres granted to each family.

This land also filled rapidly. The source of immigration was the Scotch-Irish<sup>1</sup> settlements in the

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<sup>1</sup> The Scotch-Irish were descended from a colony of Scotch Presbyterians, who were settled in Ulster, North Ireland, in the seventeenth century. The colony of Protestants was planted there to offset the Catholic element, or native Irish. There were some intermarriages between the Scotch and the Irish, but on the whole the two peoples kept apart. The Scotch of North Ireland prospered. Soon their flourishing manufactories of linen and woollen goods aroused the jealousy of English merchants and at the close of the century their industry was crippled by adverse legislation. Added to their economic troubles, religious persecution came in the early years of the eighteenth century. They were forbidden to keep schools, marriages performed by their clergy were declared illegal, and they were deprived of the right to hold office. These persecutions led to wholesale emigration to America. Between 1730 and 1770, a half million of them came to this country. The Scotch-Irish were about one-sixth of the total population of the colonies at the time of the Revolution. Such men as Andrew Jackson, John C. Calhoun and Stonewall Jackson were of Scotch-Irish descent.

Carolinas. The population of North and Middle Georgia soon exceeded that of South Georgia, and the seat of government was moved to Louisville, in Jefferson County in 1796; but this proving an unhealthy place, the capital was fixed at the new town of Milledgeville in 1807.

### Character of Immigrants

Burke is the oldest of the counties peopled by immigrants from the states to the north of Georgia. Indeed, there were a few settlers in that county before Oglethorpe came. One George Galphin, a famous Indian trader, is known to have had, at a very early date, a trading station on the Ogeechee River. At the time of the Revolution Burke was thickly settled. Whence these immigrants came is uncertain, as the county records have been destroyed; but the names of some of the early settlers have come down to us and they indicate that Virginians and North Carolinians in early times probably found their way into the county.

Our knowledge of Wilkes County is quite full and its history may be taken as typical of the development of the middle Georgia counties. The earliest comers to any new country are usually a hardy class of men, in humble circumstances, men fitted by nature for the hardships of frontier life, and caring little for the comforts of civilization. Many such people came to Wilkes County just before the Revolutionary War.



Their lives were very hard. Cut off from communication with the world by almost impassable forests, with none but savages for neighbors, constantly in danger of Indian forays, these people set to work to make homes for themselves. Their first houses were log cabins with dirt floors; their clothes and shoes were made at home; game, milk and bread constituted their fare.

This pioneer class of men was followed shortly after the war by people in better circumstances, usually Virginians. The pioneers moved from the older communities because the wealthy people absorbed their lands. Tobacco planting was the principal industry of the Virginian planters; their lands becoming exhausted they moved on after the pioneers. Tobacco exhausts the soil very quickly, and the people of the older communities were suffering from land hunger. The Virginians settled on Broad River, in that part of Wilkes County which was laid off in 1790 as Elbert County. This was the largest settlement, but many Virginians were scattered throughout that part of Georgia. The historian, Geo. G. Smith, says: "These Broad River people were well-to-do, brought with them from their homes a few negroes and such furniture as could be brought in wagons, and their live stock. They found excellent land and a fine range and were soon independent, and many of them became quite wealthy. They were people of great worth, and their descendants have

been distinguished for their public services.”<sup>1</sup> The Virginians brought with them a great deal of state pride. They were spoken of for many years as “the Virginia settlement.” Some of the best known Georgia families came in those years from Virginia, among them the Crawfords, Gilmers, Lewises, Mathews, Jordans and Barnetts. Among the North Carolinians we find the Clarkes, Waltons and Campbells.

Franklin and Washington Counties were settled largely by Scotch-Irish people, from the Anderson district of South Carolina, and North Carolina. They were a fine stock, thrifty, frugal and independent.

### Two Nuclei of Growth in Georgia

It is thus clear that Georgia has developed from two centers, one about the seaboard, where emigrants from Europe settled—English, Scotch, Irish, French, Germans, Swiss; the other, in North and Middle Georgia, where the land was occupied by Americans coming from the older states. From the latter nucleus are descended the bulk of present day Georgians.

### Society in the Early Nineteenth Century

There was a sharp division between the two centers of population. On the coast, society was

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<sup>1</sup> Smith, George G., *Story of Georgia and the Georgia People*, p. 140.

more mature. In the planter class, wealthy in land and slaves, education and culture were the rule. But there was a large element of poorer people, living in the pine woods of the frontier. They were as far removed from the planter class as possible, in point of property, culture and ambition.

In North and Middle Georgia society was more homogeneous in the early part of the nineteenth century. The Virginians formed a society among themselves, it is true, but there was not so great a distinction between the planter and the pioneer class as existed on the seaboard. Class distinction emerged later as cotton culture on a large scale was introduced. The people of the seaboard followed the usual social customs of English people of that day. Clothes, wines and luxuries of all sorts were imported direct from Europe. In the upper part of the state society was somewhat more primitive. There were few books and education was rare. The young people found their principal amusement in dancing. The boys and men raced horses, shot for prizes, fought at the court house on Saturday, and drank whiskey somewhat freely. Governor Gilmer, who was born in the Broad River settlement, in 1790, has left this account of the North Carolina element in Wilkes County: "All work, little play, no fruit, poor eating, thin clothing, open houses, hard beds, and few blankets, made children hardy or killed them. No novels, pianos, or idleness filled the heads

of the girls with vain imaginings. The singing at the meeting houses of the primitive Baptists tempted but few to attend for the sake of the melody. The great pleasure indulged in by the young people was dancing at night. The married women sought recreation from their six days' work by visiting their neighbors on Sunday. The men went to musters, shooting matches and horse races on Saturdays. Housekeepers treated their friends and their own families to a pudding for dinner when company came, and the man of the house drew forth his bottle of whiskey. . . . The preacher and the schoolmaster, the first to commence the onward march of civilization, were very slow in reaching outskirt settlements. Most who did were drunken Irishmen or dissolute Virginians, who found the restraints of society in the old countries too binding for their comfort, and, therefore, moved to the new. Newspapers were confined to the select few. It appears from the record of the court of Ordinary of Wilkes County that five out of sixteen wills had the makers' mark put to them instead of their signature."<sup>1</sup>

### Industry

The planters of the coast produced rice and corn in large quantities. Slaves were very numerous; large plantations were the rule. In North Georgia

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<sup>1</sup> Gilmer, Geo. R., *Georgians*, p. 179.

stockraising was for a number of years the principal industry. As soon as sufficient land could be cleared, tobacco became the staple commodity. The Virginians had been tobacco planters at home and had been originally attracted to Georgia because the fields looked suitable for this form of agriculture. The North Georgians also produced practically everything they used, cattle, hogs, wheat, corn, and cotton for home manufacture. It was a day of small farms in that section, and diversified agriculture was prevalent.

### Indians

The Indians were a constant menace to the frontier settlements. They stole cattle, cut off and murdered isolated planters, and made living on the borders perilous for many years. An early law required the men to carry arms to church. The story of the expulsion of the Indians will be related in another chapter.

### Summary

Georgia recuperated rapidly from the desolation that accompanied the Revolution. A steady stream of Virginians and Carolinians poured into the state for twenty years after peace was restored. These people settled on the lands acquired at intervals from the Indians. The new counties of Wilkes, Washington, and Franklin filled quickly. Wilkes County

in 1790 had a population almost equal to that of the remainder of Georgia. The newcomers were given lands under a Head Rights system, by which the amount of land an individual might obtain depended upon the size of his family and the number of slaves he brought. Society was crude, educational facilities poor, luxuries rare. The farmers depended upon their own acres for practically everything they used. The Virginian element of the immigrants were in better circumstances than the other North Georgians. They had belonged to the planter class in Virginia and came to Georgia in search of fresh tobacco lands.

On the coast, society was older and more refined. There were greater differences between the several classes than was the case in North Georgia. Rice growing was the leading interest of the coast farmers.

## CHAPTER XIII

### THE YAZOO LAND FRAUD, 1795-1814

#### Boundary Troubles

Disputes over boundaries were a fruitful source of trouble in Georgia from the beginning of the colony to the close of the eighteenth century. The colony had had to fight for its very existence when Spain attempted to enforce her claim that Georgia had been established on Spanish territory. The Spanish menace was removed from our southern border in 1763, when Florida was ceded to Great Britain. At that time the southern boundary of the province was fixed at the St. Mary's River.

#### South Carolina Claim

This extension of the territory of Georgia to the St. Mary's was protested by South Carolina. The charter boundary of South Carolina covered all the country as far south as the St. Mary's. Georgia was, therefore, carved out of South Carolina, and as Georgia's charter boundary had been fixed at the Altamaha River, South Carolina had some ground for claiming that the land between the Altamaha and the St. Mary's had never left her possession. South Carolina abandoned her claim at a conference between the two states held at Beaufort in 1789.

## Claims of Spain, the United States and Georgia to West Florida

When England acquired Florida from Spain, in 1763, she divided that province into two parts, called East Florida and West Florida, and fixed as the northern boundary of West Florida a line drawn from the mouth of the Yazoo River, a tributary of the Mississippi, eastward to the Chattahoochee River. The territory north of West Florida to a line drawn from the headwaters of the Savannah to the Mississippi was claimed by Georgia.

The West Florida region became a bone of contention at the close of the Revolution. During the course of that memorable struggle Spain seized the opportunity to reconquer Florida from Great Britain, but in the treaty of peace ceding Florida back to Spain, England fixed the northern boundary of the cession at the 31st parallel, instead of surrendering the entire province of West Florida. All of the territory north of the 31st parallel was ceded to the United States. Spain was dissatisfied with this arrangement and refused to acknowledge the title of the United States to the part of West Florida under dispute. Georgia also put in a claim to this territory, it being the custom of the states to claim possession of all western lands lying between extensions of their northern and southern boundaries. The general government disputed Georgia's contention on the ground that this western land had been con-



quered by the nation as a whole and ought to belong to the United States.

The dispute between the United States and Spain as to the West Florida boundary became the subject matter of treaty negotiations between the two nations, and it was for several years uncertain what the result of the negotiations would be; but in 1795 Spain relinquished her claim to the land north of the 31st parallel. Georgia then asserted her ownership of the immense region between the Chattahoochee and the Mississippi.

### First Yazoo Sale

This great western domain was the occasion of a very striking incident in the history of Georgia, known as the Yazoo Fraud. There was a great rush of people to the West after the Revolution. As it was inconvenient and dangerous for settlers to go singly, an excellent opportunity was opened for land speculators to get control of large bodies of land, organize companies of people who desired to migrate, and thus secure permanence and safety to the new settlements, incidentally making huge profits on the land sold to the settlers. In 1789 four land companies were organized for the purpose of buying from Georgia parts of the western territory. The land which they desired to obtain was in the neighborhood of the Yazoo River, and on that account the companies were called Yazoo Companies.

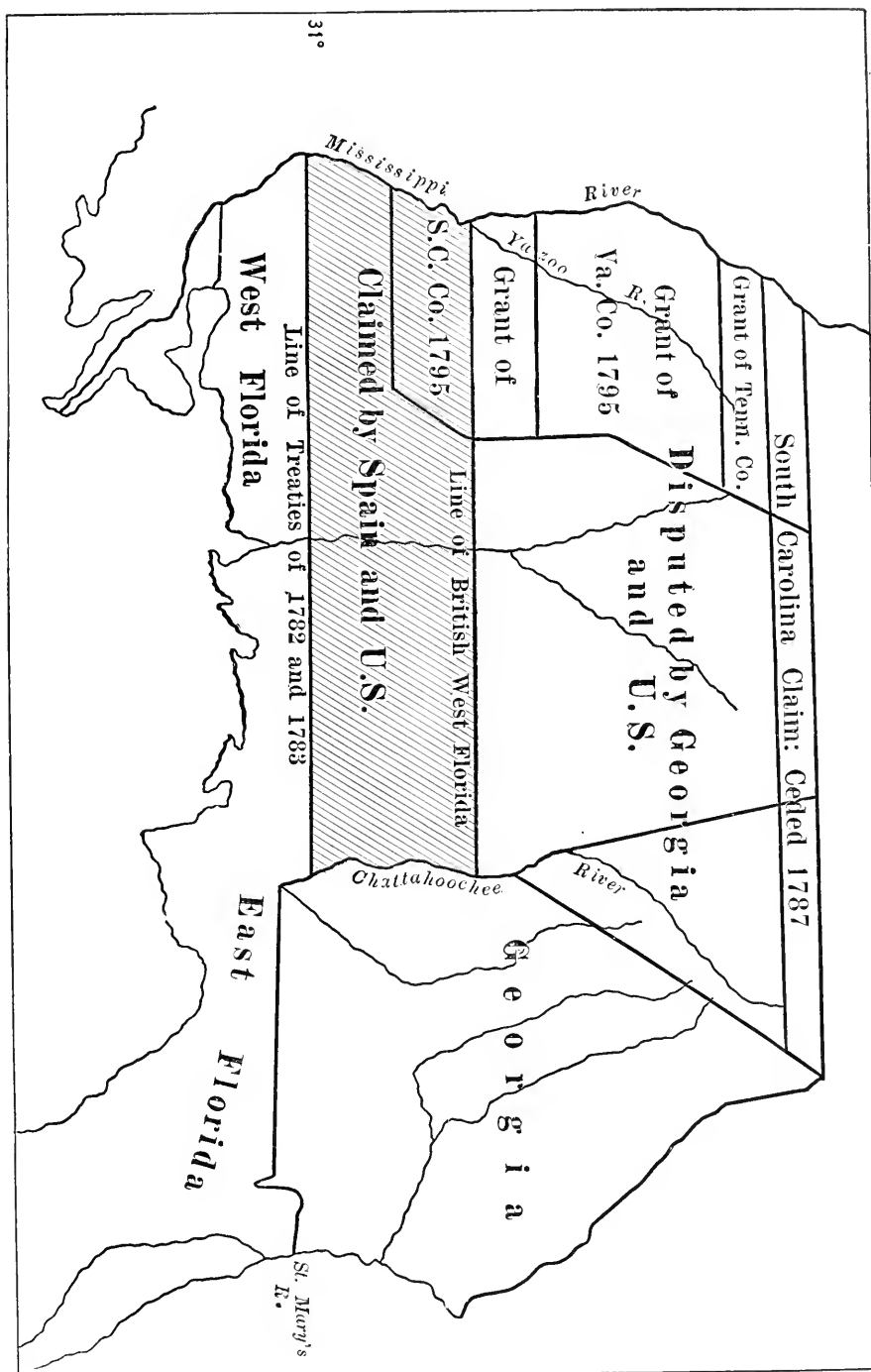
As the United States government claimed all of the western territory, and as Spain was in actual possession of part of the Yazoo land, it was an easy matter to persuade the Georgia legislature to sell what claim the state had in the land. Hence the Yazoo Companies succeeded in getting deeds to 14,400,000 acres for an insignificant price, \$207,580.

### **Failure of the Sale**

The act making this grant provided that credit should be given for two years, but that on failure to pay at the expiration of that time, the grants should lapse. No provision was made as to what sort of money the state would require, but when the companies tendered worthless paper money, the Treasurer refused to accept it, with the result that the grants of 1789 came to nothing.

### **Second Yazoo Sale, 1795**

But so great were the profits to be realized from this sort of speculation that the promoters kept at work. President Washington discountenanced the sale of western lands to settlement promoters, on the ground that the states had no right to sell lands in the possession of the Indians without first buying their rights, and because it was feared that colonies planted so close to New Orleans might come under the control of Spain. There was a great deal of dissatisfaction at that time among the Americans who



had settled on the Mississippi River, on account of the fact that Spain controlled the Mississippi and would not allow them to use the stream for their commerce. Indeed, Spain tried to detach the western settlements from their allegiance to the United States by offering to give them the right to use the river, if they would become Spanish subjects. In spite of these objections, however, in 1795 four new land companies made a concerted effort to secure possession of western land. James Gunn, a United States Senator from Georgia, was the leader of the movement. The scheme was entirely successful. The legislature granted to the companies 40,000,000 acres of land, for about \$500,000. In each case a part of the purchase money was to be deposited before the passage of the act, and payment of the remainder was required before November 1, 1795. The state gave no guarantee against Spanish claims and was not to be held responsible for peace with the Indians.

### Bribery of the Legislature

It seems clear that the legislature was bribed to make this sale. It was a small body of twenty senators and thirty-four representatives. Ten senators voted for the measure, eight against it; in the house, nineteen voted aye, ten voted no. It was believed that only one honest vote was cast for the act. All the other votes had been purchased either by gifts

of money or of shares in the land companies. It was said that "in the lobbies of the Senate and House alternately were seen a judge of the Supreme Court of the United States, from Pennsylvania, with twenty-five thousand dollars in his hands, as a cash payment; a judge of the United States District Court of Georgia, passing off shares of land to the members for their votes, and a senator from Georgia [Gunn], who had perfidiously neglected to proceed to Philadelphia to take his seat in Congress, and who was absent from his post until the last days of its session, bullying with a loaded whip, and by turns cajoling the numerous understrappers in speculation. There were also seen a judge of our State Courts, and other eminent Georgians, surrounding our poor degraded representatives, offering shares, sub-shares and half sub-shares, striving to frighten some, and to seduce others into compliance with their will."<sup>1</sup>

Even before the governor signed the act, there were indications of popular disapproval. A number of prominent citizens protested against the measure, William H. Crawford among others. Governor Matthews has been strongly censured for having signed the bill. No one has accused him of corruption in the matter, but he was a weak and incompetent executive and allowed himself to be controlled by the politicians about him, most of whom were interested in the land speculation.

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<sup>1</sup> White, George, *Statistics of Georgia*, p. 50.

## The Rescinding Act of 1796

Though this whole transaction was disgraceful and a stain on the name of Georgia, the citizens of the state promptly did what they could to undo the mischief. A state convention met soon after the passage of the Yazoo act and condemned the sale. It became the issue in the elections of that year. General James Jackson,<sup>1</sup> one of our United States senators, felt so strongly on the subject that he resigned his seat in the Senate and returned home to lead a movement looking to the repeal of the act. He was elected to the legislature from Chatham County. A majority of the new legislature being pledged to repeal the obnoxious act, a rescinding measure was passed in February, 1796, and the purchase money paid into the Treasury of Georgia was

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<sup>1</sup> James Jackson was an Englishman by birth, immigrating to Georgia from Devonshire in 1772, at the age of fifteen. He was by nature an ardent republican, and though home ties were still fresh, he at once embraced the patriotic cause in 1776. Entering the army as a private, he rapidly rose to the rank of Lieutenant-Colonel, and after the war became a Brigadier-General of militia. General Jackson entered politics immediately after the Revolution, serving several terms in the state legislature. In 1788, he was elected Governor at the age of thirty, but declined the office on the ground that he was too young to fill the position. He was a member of the first Congress, and in 1793, 1794 and 1795 was United States Senator. Georgians did not forget his modest attitude towards the governorship, and ten years after he refused the office, he was again elected. After the expiration of his term as Governor, General Jackson was again sent to the United States Senate, and was a member of that body at the time of his death in 1806.



JAMES JACKSON.

*From an engraving lent by Mr. A. B. Caldwell, Publisher, Atlanta, Ga.*

ordered to be refunded. This rescinding act caused a great outcry throughout the Union. Anticipating trouble, the Yazoo speculators immediately on re-

ceiving their grants in 1795 had gone to other sections of the country and sold part of their holdings at enormous profit. The secondary purchasers maintained that they knew nothing of the circumstances under which the sale had been lobbied through the legislature. Though denounced far and wide, the state stood by the rescinding act and gave no satisfaction to any claimant.

### **Cession of the Western Lands, 1802**

About this time Georgia surrendered to the United States government all of her western claims. In so doing, she followed the example of the other states, all of which had given up their western territory. The terms of the cession were that Georgia should receive \$1,250,000 and that the Indian title to her reserved territory should be extinguished. The central government assumed all responsibility for settling claims arising from the Yazoo sales. In this way the Yazoo Fraud became a national issue. As soon as the news was heralded abroad that the government was about to purchase Georgia's western claims, Yazoo claimants swarmed to Washington to warn the government that the land was being bought at the risk of the United States, as their claim was a prior one. The commissioners appointed by the President to act for the central government were James Madison, Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, the Attorney General. On the



part of Georgia, the commissioners were James Jackson, Abraham Baldwin and John Milledge.<sup>1</sup> For a number of years after the purchase, Congress was besieged with petitions from people seeking redress. The Federalist party and some of the northern Democrats favored paying the claims of the holders of the land scrip, as it was called; but the southern wing of the Democratic party, led by John Randolph, of Virginia, succeeded in defeating the claimants year after year. The representatives of Georgia in Congress during the Yazoo agitation, George M. Troup, William W. Bibb, John Forsyth, and others, firmly opposed any appropriation to settle the claims.

### **The Commissioners Recommend a Settlement of the Claims**

The commissioners appointed on behalf of the United States to look into the Yazoo matter were instructed to examine the titles of the various claimants and make a recommendation to Congress. Their final report was made in 1803. The report stated

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<sup>1</sup> John Milledge was born in Savannah in 1757 and before reaching manhood was thrown into the Revolutionary struggle. He was a member of the party that performed the first overt act of the conflict in this state in breaking open the powder magazine in Savannah. At the close of the War, Milledge entered politics; sat as a member of the lower house in the Assembly in 1782; served several terms in Congress from 1792 to 1802, when he became Governor of Georgia, from which position he was advanced to a United States Senatorship on the death, in 1806,

that all the lands had by that time passed out of the hands of the original speculators into the possession of secondary purchasers, who claimed to have bought without knowledge of fraud; but the commissioners found on the face of the deeds a provision that purchasers should have no claim on the speculators "by reason of any defect in their title from the State of Georgia." This clause put purchasers on notice, and the commissioners reported that in their opinion the title of the claimants was not good. However, they recommended that "the interest of the United States, the tranquillity of those who may hereafter inhabit that territory, and various equitable considerations which may be urged in favor of most of the present claimants, render it expedient to enter into a compromise on reasonable terms." They, therefore, recommended that \$5,000,000 be appropriated to settle the claims and end the long controversy. The idea of the commissioners was that the settlement of the vast and fertile region in question would be retarded unless the land titles were cleared up. But Congress could not be induced to take this view, and for seven

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of General James Jackson. After filling this office for three years, Governor Milledge retired from public life. Milledge was a member of the committee appointed to select a site for the University of Georgia, and when the committee chose a situation which was not on the property owned by the University, he purchased the tract and presented it to the University. The former capital, Milledgeville, was named in honor of Governor Milledge. He died in 1818 at his home near Augusta.

years longer the Yazoo claims were a constant subject of discussion.

### The Supreme Court Intervenes

Failing to get any satisfaction out of Congress, the Yazooists hit upon the idea that their case would be aided if they could get the Supreme Court to declare the act of the legislature of Georgia in rescinding the sale unconstitutional. Proceedings were begun and in 1810 the case known as *Fletcher vs. Peck* was decided. Chief Justice Marshall handed down the decision, which held the rescinding act unconstitutional, in that it impaired the validity of a contract. Following this decision Congress finally in 1814 passed an act appropriating \$5,000,000 to settle all Yazoo claims, the act requiring that the money be raised from sales of the land in question.

This settlement has seemed to some historians a fair and equitable one. It has been pronounced "probably just and unquestionably expedient." Georgians, however, long resented the payment of these claims. It was many years before the feeling over the Fraud died out in the state. Governor Wilson Lumpkin in his autobiography says that no man in Georgia was ever promoted to high office who was in any way connected with the Yazoo Fraud. The prevailing sentiment in regard to the action of the government in paying the claims was thus expressed by Governor Troup: "The act was.

in effect and substance, a formal decree of the highest authorities known to the Constitution of the United States, in perpetual testimony of the reward which awaits those who shall in future time successfully bribe and corrupt the representatives of the people to sell their country."

### Summary

"The Yazoo Fraud" was the name given to the sale of millions of acres of Georgia's western domain at the close of the eighteenth century. The sale was obtained by bribing the legislature. When a new legislature repealed the Yazoo Act the year following the sale, the purchasers of the land, and those to whom part of the holdings had been sold, commenced a fight, which lasted nearly twenty years, to secure redress. Georgia escaped from responsibility by selling her rights to the disputed lands to the central government in 1802. After the Supreme Court in 1810 declared that Georgia's rescinding act was unconstitutional, Congress appropriated \$5,000,000 to pay the Yazoo claimants.

## CHAPTER XIV

### POLITICAL PARTIES, 1787-1840

#### Federalists and Antifederalists

The Constitution of the United States was a compromise between those who desired practically to erase state lines and create a strong national state, and those who were unwilling for the individual states to surrender any considerable part of their sovereign powers. Even when, after much bickering and disagreement, the articles of the Constitution had been agreed upon by the delegates to the Convention, there was grave doubt whether the states would ratify the new form of government. The American people divided into two parties on the question of adoption. Those who favored the Constitution were called Federalists, those opposing it Antifederalists. Both parties had numerous and ardent supporters in every state. In some states the parties were of almost equal strength, and in such cases great struggles were necessary before a majority could be won over in favor of the Constitution. The effort to defeat adoption was not confined to any one section. The fight was hardest in New York, Massachusetts and Virginia. New York adopted by a majority of two

votes; Massachusetts by a majority of nineteen votes in a convention of three hundred and fifty-five members; while in Virginia the vote stood eighty-one for and seventy-nine against adoption. The hesitation of New York and Virginia was due to their reluctance to surrender state control over commerce. They feared that New England might get control over the commercial policy of the nation and use that power to the injury of the other sections. Georgia appears to have ratified the Constitution unanimously. Georgia newspapers paid little attention to the Constitutional Convention which met in Augusta, in December, 1787. There is no record of any debate on the question of adoption.

### **Antifederalists Become the Democratic-Republican Party**

The Antifederalists, defeated, were compelled to bow to the will of the majority. Though the name "Antifederalist" was dropped, future political parties continued to exist on the issues which had been fought out in the constitutional conventions of the several states. Under the leadership of Thomas Jefferson the Antifederalists took the name of Democratic-Republicans, the guiding principle of the organization being a strict adherence to the letter of the Constitution. Since the terms of the Constitution were the best they had been able to obtain in the direction of state supremacy, henceforth they op-

posed any attempt to stretch the powers that had been delegated to the central government. The Democratic-Republicans believed in the exercise of a minimum amount of government; the Federalists strove to make the Union a national state by limiting the sphere of state activity and by enlarging and extending the powers of the central government.

### **The Federalist Party Loses its Following in Georgia**

The apparent lack of any discussion over the adoption of the Constitution in Georgia indicates that Georgians had obtained all they could reasonably expect and that a majority were in favor of a stronger form of Union. But the peculiar trend of state affairs caused Georgia to take a strong stand against any interference on the part of the United States government. The governors of Georgia were constantly becoming involved in disputes with the central government in the matter of cessions of Indian lands. In 1790 the legislature formally protested against the claim of the United States to have control over Indian lands in Georgia. Another cause of hostility towards the Federalist party and the general principle of increasing the power of the central government was the famous Chisholm case. Chisholm, a resident of South Carolina, in 1792 brought suit against Georgia in the Supreme Court of the United States. The question the court had to decide was, "Could a sovereign state be sued by a citizen of

another state?" The court by a vote of two to one decided in the affirmative. The legislature of Georgia promptly passed an act imposing the death penalty on any officer who should attempt to carry out the decision of the court by serving papers on the authorities of Georgia. A majority of the states sympathized with Georgia's attitude, and an amendment to the Constitution, the Eleventh, was adopted, making such suits unconstitutional.

In these controversies the public men of Georgia had been forced into expressing emphatically their belief in state sovereignty over all matters the control of which had not been given to the central government. There being but little difference of opinion in Georgia on this issue, the party which favored extending the power of the United States did not succeed in retaining its following in our state. In the Presidential election of 1796 the Federalists carried only four of the twenty-one counties.

### **Era of Personal Politics**

While practically all Georgians, therefore, were in national politics members of the Democratic-Republican party during the first three decades of the nineteenth century, it must not be supposed that it was a time of no political strife. As is always the case in "one-party" states, factions soon appeared in the dominant party, and the fights between the followers of the several leaders were quite as bitter as





WILLIAM HARRIS CRAWFORD.

*From an engraving lent by Mr. A. B. Caldwell.*

they could have been had there been fundamental differences in principles. It was an era of personal

politics. The people of the state tended to fall into rather sharply separated classes. We have seen how along the Broad River two groups of emigrants, from Virginia and North Carolina, settled. The Virginians came from the planter class and were somewhat aristocratic in their views. The North Carolinians, on the other hand, came from the small farmer class. With the coming of cotton production on a large scale, the differences between rich planters and small farmers were emphasized. This social and economic division had come about long before on the seacoast, and it was natural that the aristocratic element of the two centers of population, the seaboard and the uplands, should act together in politics, and that the small farmer and frontier element should act together. General James Jackson led the aristocrats of the seacoast, and William Harris Crawford<sup>1</sup> the same people in the uplands.

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<sup>1</sup> William Harris Crawford was born in Virginia, in 1772, his parents migrating to Georgia in 1783. Young Crawford was sent to the academy of Professor Moses Waddell, later President of the University of Georgia. While a student there, Crawford was associated with John C. Calhoun. After teaching a few years at Richmond Academy, Augusta, Crawford removed to Lexington, Oglethorpe County, and began the practice of law. After having held several minor state offices, Crawford became a United States Senator in 1807, and at once made a favorable impression on the country by his extraordinary mental capacity and fine personal appearance. During the last days of the Napoleonic Empire, he was sent as American Ambassador to France. Napoleon is said to have been struck by his princely bearing. In 1815, President Madison appointed Crawford Secretary of War, but he was soon

On the death of General Jackson in 1806 his position of leadership in South Georgia was assumed by George M. Troup. As Crawford soon withdrew from state politics, Troup became the leader of the entire aristocratic element, and this faction was known as the Troup party. Opposed to Troup were Elijah and John Clarke,<sup>2</sup> father and son, who controlled the small farmer class and all frontiersmen.

A number of celebrated political battles were fought between these two parties. John Clarke and Troup opposed each other for Governor in 1819, Clarke being the successful candidate, and in 1821

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transferred to the more important Treasury Department, a post which he retained during Monroe's administration.

Crawford was looked upon as the natural successor of Monroe. It is highly probable that the highest office in the Republic would have been conferred on him, but for an untimely stroke of paralysis, which necessitated his retirement from public life. After a few years of rest, Crawford partially recovered his health, and became a superior court judge in Georgia, which position he was filling at the time of his death in 1834.

<sup>2</sup> General John Clarke was a North Carolinian. He had practically no educational advantages, as he grew to manhood during the Revolution. At sixteen, he was a soldier under his father, General Elijah Clarke, and performed valiant service in North Georgia. After the Revolution, he attained the rank of Major-General of militia. Clarke was the acknowledged and beloved leader of the small farmer class against the Virginian element and the planters of the seacoast. In biographical sketches of Clarke, most of which were written by his bitter political and personal enemies, he is represented as a turbulent, quarrelsome and rough frontiersman, devoid of culture, education and refinement; but even his enemies gave him credit for patriotism and conspicuous personal bravery.

he was re-elected over Troup. At the 1823 election Clarke was not a candidate, but Troup defeated the candidate of the Clarke party, Matthew Talbot. In 1825 the system of choosing the governor was changed from election by the legislature to election by the people directly. Troup and Clarke were again the contestants, and this time Troup defeated his old enemy.

### Measures Substituted for Men

During all these years there was no essential difference in the political creeds of the two Georgia factions. Toward the close of the third decade of the century the thinking men of the state began to tire of personal issues and to long for discussion of national questions. A chance for the two factions to take sides on a national issue came when Governor Troup almost brought on war with the general government in connection with the question of removing the Creeks from Georgia. Many Georgians felt that the Governor had gone too far in his championship of state sovereignty, and the Clarke leaders seized upon this sentiment in the hope of discrediting the Troupers. The Clarke party changed its name to "Union Party" while the Troupers, nothing loth to accept the challenge, styled themselves the "State Rights Party." This healthy reaction against personalities in politics began about 1829, and was greatly assisted

by the stirring agitation in the early thirties over the tariff.

### Protective Tariffs

In order to encourage manufacturing in the United States, Congress in 1816 imposed tariffs on certain manufactured articles. There was little opposition to the measure from any section, but when the manufacturing classes, acquiring greater and greater influence over Congress, demanded and received constantly increasing aid, Southerners took a very hostile attitude toward "protection," because the South was largely an agricultural section and received little benefit from protective tariffs. This section felt that the value of the products of southern labor was reduced because the amount of goods for which these products could be exchanged was greatly lessened by the South's having to pay a higher price for clothes, shoes and other articles than would have been the case if foreign goods were allowed to compete in our markets with those of the New England States. Feeling on this subject grew so bitter that in 1831 South Carolina asserted that it was unconstitutional for Congress to levy a protective tariff, and threatened to "nullify" the tariff law, so far as South Carolina was concerned. Nullification meant that if one of the states became dissatisfied with a law of Congress she might declare it of no force within her borders. Congress did not modify the tariff law

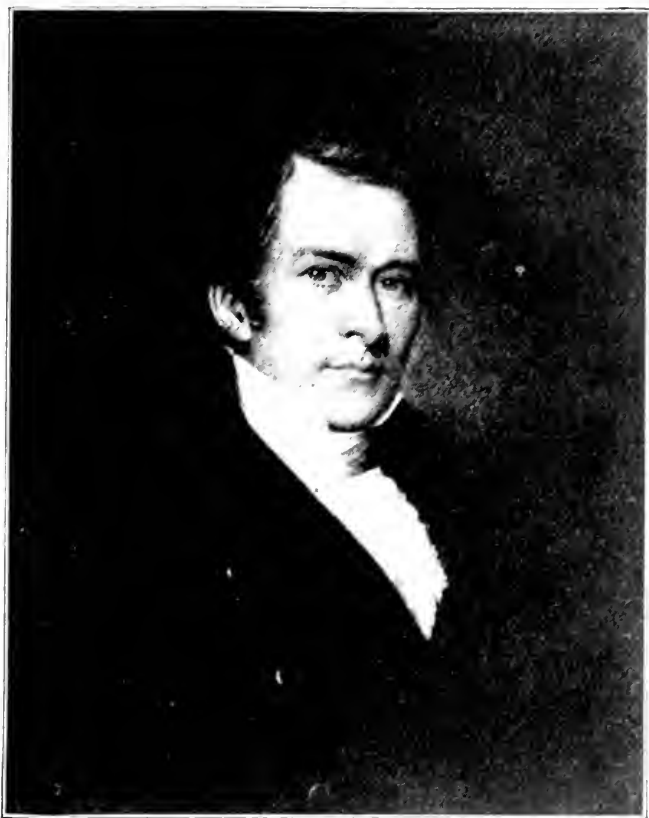
in a manner to meet the views of South Carolinians, and in 1832 the state attempted to put into practice the principle of nullification. But President Andrew Jackson believed that it was his duty to uphold the authority of Congress. He felt that if every state were allowed to put its own interpretation on the laws of Congress, the Union would soon amount to nothing. Therefore he sent a message to Congress, known as the Force Bill Message, asking that he be empowered to use the army and navy of the United States to compel South Carolina to obey the law. When it became clear that President Jackson was in earnest, and that none of the states approved of South Carolina's radical action, a convention repealed the nullification ordinance, thus relieving a very critical situation.

### Nullification in Georgia

The current of events in South Carolina was watched with great interest in Georgia, as our people were no less hostile to the tariff than were the South Carolinians. In November, 1832, a convention met in Milledgeville to discuss the situation. John McPherson Berrien,<sup>1</sup> until recently a member of Presi-

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<sup>1</sup> John McPherson Berrien's father served under Washington in the Revolution, and in the house occupied by Washington when his farewell address to the army was delivered, the subject of this note was born, in 1781. His father removed to Georgia when John was only a few months old. Berrien was graduated from Princeton at fifteen, studied law, and was admitted to the bar



JOHN MCPHERSON BERRIEN.

*From an engraving lent by Mr. W. J. DeRenne.*

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before the completion of his eighteenth year. After several years of service as judge and legislator, he became United States Senator in 1825. His unusual oratorical power won for him the name "the American Cicero." When Andrew Jackson became President in 1829, he appointed Berrien to the cabinet position of Attorney-General; but two years later Jackson quarreled with his cabinet and most of them resigned. After the break with Jackson, Berrien joined the Whig party, and re-entered national politics nine years later as a senator, when the Whigs came into power on the election of President Harrison. He remained in the Senate until 1852, when he resigned, being seventy-one years of age and desiring to retire from active political life. He died in 1856.

dent Jackson's cabinet, led the radical element of the convention; while John Forsyth,<sup>1</sup> United States Senator and leader of the President's party in the Senate, opposed South Carolina's plan of resistance to national law. After a three days' wrangle in the convention, Forsyth, with about fifty followers, withdrew from the convention, as it seemed likely that the majority would follow South Carolina in the nullification movement. The delegates of the Berrien faction passed resolutions which came close to embracing the doctrine of nullification. This action, however, does not appear to have been the sentiment of the state, for the legislature shortly thereafter condemned the proceedings of the convention, called for a convention of Southern states to discuss the

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<sup>1</sup> John Forsyth, a Virginian by birth, was brought by his parents as a four year old child to Georgia. In 1799, at eighteen, he was graduated from Princeton, in which institution so many eminent Georgians of his generation were trained. On his entrance into political life, Forsyth was made Attorney-General of Georgia, and in 1813 was sent to Congress. He was advanced to the Senatorship in 1818, but one year later resigned to accept the post of Minister to Spain; and while acting in that capacity, carried through the negotiations for the cession of Florida to the United States. In 1827, he became the candidate of the Troup party for the governorship, was elected, and after one term returned to the United States Senate. Forsyth identified himself with the Jacksonian policies. He strongly opposed nullification as a lawful remedy for oppressive acts of Congress. On the reorganization of his cabinet, Jackson made Forsyth Secretary of State, the highest of the cabinet positions. Forsyth retired from public life when the Democratic party went down in defeat in 1840, and died in October of the following year.



tariff, and passed the following resolution: "Resolved, that we abhor the doctrine of nullification as neither a peaceful nor a constitutional remedy, but, on the contrary, as tending to civil commotion and disunion." The public men of Georgia were almost unanimously opposed to South Carolina's action. Troup, Gilmer, William H. Crawford, Forsyth, and Wilson Lumpkin, Governor during the episode, all wrote strongly against nullification.

### Effect of Nullification on State Politics

The two local parties, the Union Party and the State Rights Party, met in conventions during 1833. The Union Party adopted resolutions upholding President Jackson's conduct in connection with the nullification movement in South Carolina. The State Rights Party adopted resolutions to the effect that laws infringing on the rights of states were null and void. This party condemned the President's measures against South Carolina, especially the Force Bill Message, as deadly blows at state rights. The resolutions did not go to the extreme of frankly embracing nullification as a remedy for unconstitutional laws, but they were strongly against any coercion of states by the federal government. It is plain that Georgians were sharply divided on this subject, and the result was that the movement begun in 1829, looking to political division on principles rather than on leaders, was completed in 1833, and

for a number of years afterward political discussion was on a much higher plane than is ever the case when practically all the people belong to one party and factional fights between rival leaders constitute the only political activity of the state.

### Whig and Democratic Parties

President Jackson made a great many enemies. One of the traits of his peculiar disposition was his habit of imputing personal motives to any one who opposed his views. He inevitably came into conflict with other men of his party of strong mind and independent character, and one by one read them out of his party. The result was that during his first term as President, from 1828 to 1832, a coalition known as the Whig Party was made of all his enemies. Such eminent Georgians as Robert Toombs, Alexander H. Stephens and Berrien were for a time members of this new organization.

The State Rights Party of Georgia was absorbed in the Whig Party and adopted its name. The followers of the President became known as Jacksonian Democrats, or simply Democrats, and the Union Party of Georgia adopted that name. The Jacksonian Democrats were the political descendants of the Jeffersonian Democratic-Republicans.

The Whig and Democratic Parties for several years were quite evenly balanced in Georgia. In 1840 the Whig presidential candidate, General Har-

rison, carried Georgia; but the next year the Democrats elected Charles J. McDonald in the gubernatorial contest. The Whigs were successful in 1843, electing George W. Crawford as governor.

The agitation over slavery in the next decade killed the Whig Party. Its members in Georgia shifted over to the Democratic Party, and Georgia again became a one-party state, as she has since remained.

## Summary

Political parties originated in the United States as the result of disagreements as to the sort of union the states should make. Some people desired a strong federal government; others wanted to give it a minimum of powers. The advocates of strong central government were called Federalists, their opponents Antifederalists. After the constitution had been adopted these two parties continued, the Antifederalists taking the name Democratic-Republican. The main difference between them was that the Federalists tried in every way to increase the strength of the federal government, while the Democratic-Republicans emphasized the sovereignty of the individual states. Unfortunate disagreements in Georgia between the Governors and the early Presidents, who were Federalists, and other causes, resulted in the decline of the Federalist Party in Georgia, and for twenty years there was only one party. Factions

sprang up and bitter contests were waged between adherents of the two sets of leaders. In the third decade of the century a great political crisis came in the United States, when it became necessary for the people to decide whether or not a state could set aside the national law. On this issue Georgians divided. Those who favored the President's course in coercing South Carolina were called "Unionists," while the strict adherents of state rights sovereignty took the name of "State Rights" party. These local organizations were absorbed into the two national parties, the Jacksonian Democratic and the Whig. At a later time the Whig Party died out in Georgia, on account of its attitude on the slavery controversy. The details of this movement will be given in a subsequent chapter. It is only necessary to say here that the former Whigs joined the Democratic Party, and the feelings aroused by the Civil War and Reconstruction have effectually prevented any other party than the Democratic from obtaining any considerable following in Georgia.

*Additional Reading:*

Sketches of John Clarke, William H. Crawford, John M. Berrien, and John Forsyth: Northen, W. J., *Men of Mark in Georgia*, II. Beginning of Parties in Georgia: Harris, J. C., *Stories of Georgia*, pp. 227-233.

## CHAPTER XV

### PUSHING BACK THE FRONTIER: CREEK INDIANS, 1733-1827

#### The Creeks

During the years between the Yazoo Fraud and the time when the slavery question occupied public attention, the most important political issue in Georgia was the long struggle to get possession of the Indian lands. The principal nations or tribes in Georgia were the Creeks and Cherokees. The Cherokees lived north of the 34th parallel of latitude.<sup>1</sup> A line drawn along the Broad River to Athens and thence to Cedartown would describe their southern boundary. Below this line was the Creek Confederacy, a sort of loose union of many of the southeastern tribes. The Creek nation extended into Alabama, where the term "Upper" Creeks was used in contradistinction to the "Lower" Creeks, as they were called in Georgia. In 1773 the Creeks numbered four thousand warriors, the total population being 12,000. In 1820 the total population was estimated at 20,000, of whom only 5,000 lived in Georgia.

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<sup>1</sup> See map, p. 16.

## Cessions under Colonial and State Governments

At the time of the Revolution the settled portion of Georgia consisted of a narrow strip of territory along the seaboard and the Savannah River. This land had been ceded by the Indians in three treaties in 1733, 1763 and 1773. During the Revolutionary War the Indians sided with the British, the royal governors having secured their support by the liberal distribution of presents when hostilities became imminent. As a punishment for their depredations a raid was made in 1783 against both Creeks and Cherokees. Certain lands lying about the sources of the Oconee River were held in joint possession by the two tribes. The Cherokees were forced to cede this land early in 1783, the Creek title being extinguished in November of the same year. The wording of the Creek treaty is not clear, and it is uncertain just how much land the Creeks intended to cede. But the Legislature of Georgia apparently interpreted the cession to include all lands east of the Oconee, since we find this region made into the counties of Franklin and Washington the following year.

By the Treaty of Galphinton, 1785, the boundary between the Indians and Georgia was declared to be a line drawn from the confluence of the Oconee and Ocmulgee Rivers to the "most southern part of the stream called the St. Mary's River." The Treaty of Shoulderbone, 1786, reaffirmed the Treaty of Galphinton.

## The Creek War

The treaties of 1783, 1785 and 1786 were made between the Indians and the state authorities, in spite of the fact that under the Articles of Confederation the power of making such treaties had been withdrawn from the states and made a function of the central government. Furthermore, the treaties in question had all been negotiated with a minority of the Creeks, very much against the wishes of the majority. Under the leadership of a famous Indian half-breed chief, named Alexander McGillivray, the discontented element appealed to the central government for redress, and began a harrowing border warfare. The Continental Congress, on investigation, declared the treaties of Galphinton and Shoulderbone illegal, but it was powerless to set aside the wishes of the state of Georgia. In spite of the Creek War settlers continued to pour into the country to the east of the Oconee, where they lived for a number of years in great peril of their lives, in log forts erected at intervals along the river. These forts were large enough to accommodate tents or huts for all the surrounding settlers. The settlers worked in their fields in groups as far as possible, and stood ready at a moment's notice to repel invasion, or to give chase on horseback to bands of marauding savages. United States troops were garrisoned at various points on the Oconee.

## United States Government Assumes Control over Indian Cessions

In the Federal Constitution of 1789 the treaty making power was given to the President and Senate, including treaties with Indians. President Washington at once took up the exasperating question of the Creek War in Georgia. On his invitation the Creeks sent a delegation of chiefs to New York to confer with him, Alexander McGillivray being the most important of the chiefs present. Washington induced the Creeks to make a new treaty, surrendering all claim to the land east of the Oconee. At the same time, however, the Tallassee country, as extreme south Georgia was called, was restored to them, and the Creeks were guaranteed possession of their remaining lands in Georgia. These two clauses were bitterly opposed in Georgia, as they seemed to assert the sovereignty of the United States over the Indian lands. So strongly did General Elijah Clark, of Revolutionary fame, resent this guarantee to the Indians that he illegally crossed the Oconee and proceeded to make a settlement, but was forced by the state authorities to give up his project.

## Georgia Cedes the Western Territory

No further cessions of Indian land were obtained between 1790 and 1802. In the latter year Georgia ceded to the United States all land between the Chattahoochee and the Mississippi, the national govern-



ment binding itself to remove the Indians entirely from Georgia's reserved territory as soon as it could be done "peaceably and on reasonable terms." The central government held that the Indian tribes were nations in the widest sense of the term, and that their ambassadors were entitled to the courtesies extended to foreign diplomats. Acting on this notion, the Presidents utterly refused to compel the Indians to cede lands against their will. The state government, on the other hand, insisted that Indian tribes were simply "communities without sovereignty and without any right to the soil but that of tenants at will." The Presidents of the United States interpreted the agreement with Georgia simply as a promise to use their best endeavors to persuade the Indians to cede land; Georgians regarded the cession of 1802 as binding the federal government to extinguish the Indian title within a very short time, by purchase, if possible; by pressure, if necessary. Under this agreement small cessions were obtained in 1802 and 1804, extending the boundary of Georgia to the Ocmulgee River.

### The Land Lottery, 1803

The Oconee River is the boundary line between two systems of land distribution. All lands to the east of the Oconee were granted under the Head Rights system, already described.<sup>1</sup> There were

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<sup>1</sup> See p. 142.

many objections to this system. Given almost unlimited power of selection, immigrants chose only the best lands, leaving large areas on the frontier unoccupied, with the result that settlement was too sparse for safety. In the second place, it was almost impossible in the wild, unbroken forest for the lines of grants to be determined. It frequently happened that grants covering the same tract of land were issued to several different settlers, and endless law suits resulted. The Head Rights system also facilitated land frauds. Unscrupulous persons, with the connivance of surveyors, often obtained grants to lands that did not exist, and sold these grants to innocent people. In one Georgia county, Montgomery, land speculators obtained grants to 7,000,000 acres more than the total acreage of the county, and sold the fraudulent grants to unsuspecting persons outside the state. This was known as the Pine Barren Speculation, and was a great scandal in 1794 and 1795.

Dissatisfaction with this system became so widespread that when the new cession was obtained the legislature bestirred itself to invent a new system. In 1803 an act was passed establishing a "Land Lottery." This institution does not appear to have been used in other states. The act provided that the new lands and all subsequent lands to be acquired from the Indians should be surveyed at public expense and divided into small lots of uniform size. Each lot was then given a number, and a map

of the whole was deposited in the surveyor general's office. Slips of paper with numbers representing the lots were placed with many blank slips in a box and people were allowed under certain restrictions to draw for lots. The Land Lottery system proved much more satisfactory than the older system. Fraud was manifestly an impossibility, rich and poor had an equal chance of securing lots, and by preventing the accumulation of large tracts of lands in the hands of speculators settlement was promoted far more rapidly than formerly.

### Cession After the War of 1812

The year 1812 found the United States again at war with Great Britain, and, as during the former war, the Indians assisted the English. A wide conspiracy of all Indians from Canada to Florida was organized by Tecumseh. Wilson Lumpkin, afterwards Governor of Georgia, was present at a council between Tecumseh and the Creeks. Of course, he did not know what was going on. He tells us in his memoirs that he had hardly reached home from an extended tour in Mississippi before the Indians began massacring the settlers. They committed many outrages among the settlements of lower Alabama and in Mississippi, the most distressing of which was the murder of men, women and children when they captured Fort Mims, in Alabama. Aroused by the

fate of the people at Fort Mims, the Southern states sent several expeditions against the Creeks, one of which was led by General Andrew Jackson, afterwards President of the United States, and another by General Floyd, commanding a force of Georgia militia. The lower Creeks did not take part in this war and were careful to avoid hostile acts. General Jackson conquered the Creeks and obtained a treaty with them in 1814 by which they ceded a large body of land in central and southern Alabama, as well as the Tallassee country, or southern part of Georgia. This section of the state, however, was not held in high esteem, and there was great dissatisfaction in Georgia, where it was felt that the conduct of the Indians in the war afforded an excellent reason for compelling a cession of all their remaining lands in Georgia. Such a course, however, did not seem fair, in view of the fact that the Georgia Creeks had taken no part in the war.

### The Boundary Extended to the Flint River

In 1821, during the administration of Governor John Clarke, the Indian title to the country between the Ocmulgee and Flint Rivers was extinguished. After this cession the Creeks felt cramped for lands and declined to sell more territory, while the national government, falling back on the "peaceable and reasonable terms" clause in the agreement of 1802, re-

fused to push matters. In 1823 George M. Troup<sup>1</sup> was elected Governor of Georgia. His feeling on the subject of expelling the Indians from Georgia was very strong, and in a message to the Legislature he recommended that a protest be sent to the central government. This was done, and elicited from President Monroe the opinion that "the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force."

Governor Troup maintained, on the contrary, that "the words 'as soon as may be' in the articles of agree-

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<sup>1</sup> *George M. Troup*, whose untiring activity resulted in the final expulsion of the Creeks, was one of the most interesting men of his time. Born in 1780, in Alabama, then a part of Georgia, his whole life was identified with this state. He was graduated with distinction from Princeton, in 1797, one year after John M. Berrien, and two years before John Forsyth. Choosing the profession of law, Troup was admitted to the bar of Savannah in 1800. After three years in the Legislature, he went to Congress in 1806, holding his seat until 1815. During the heated discussions growing out of the Yazoo speculation, he strongly denounced at every opportunity any proposition to settle the claims of the holders of scrip. During the War of 1812, Troup was chairman of the Military Committee of Congress. In 1816, he was elected United States Senator, but resigned two years later, desiring to retire to private life. His friends, however, would not allow Troup to enjoy his country place, and the next year we find him embarked on his eventful career in Georgia politics. As Governor, 1823 to 1827, Troup was principally concerned with the Creek Indians. He expressed himself more forcibly than any public man of his time on the question of state sovereignty; so much so, indeed, as to cause his political enemies in Georgia to make capital of his extreme attitude in this matter.



GEORGE MICHAEL TROUP.

*From an engraving lent by Mr. A. B. Caldwell.*

ment and cession will not longer avail the United States anything; the operation of these has been long since estopped by time." In his opinion neither

party to the 1802 agreement contemplated that twenty years would elapse and find Georgia in possession of only about half of her reserved territory.

### **The Final Cession**

The question of land cessions was now a critical one with the Creeks. They faced the alternatives of migrating west of the Mississippi in accordance with the wishes of Georgia, or of declining to relinquish more land. On this question the Creeks became divided. The Lower Creeks, under the leadership of a very intelligent half-breed chief, named William McIntosh, decided in favor of removal; but the Upper or Alabama Creeks, who constituted a majority of the Creek nation, opposed this course. President Monroe approved of negotiations with the Georgia Creeks for a cession of lands in Georgia, provided that the cession be ratified by the whole Creek nation. The Georgia Creeks were assembled at Indian Springs, in February, 1825. They agreed to sell all of their lands in Georgia for \$5,000,000 and an equal acreage west of the Mississippi. This treaty was sent to Washington, approved by the Senate and signed by the President, in March.

The next month a party of the hostile Alabama Creeks surrounded the house of McIntosh, set fire to it and shot the chief as he ran out. The friendly Creeks, panic stricken, fled to the white settlements for protection.

The government Indian agent was using his influence against a cession, largely on account of his personal enmity towards Governor Troup. He sent evidence to President Adams, who had just succeeded Monroe, that the treaty had been obtained from a very small minority of the Creeks, and President Adams ordered Governor Troup to have the surveys stopped. As soon as the treaty of 1825 was concluded Governor Troup had begun to run lines in the Indian country so as to have the land ready for settlement after the departure of the Indians. The President then summoned the Creek chiefs to Washington, where in February, 1826, a treaty was made by which the Indians gave up all of their lands in Georgia, except a small strip on the Alabama line. The treaty provided that they were to have possession until January 1, 1827; but Governor Troup, against the protest of the President, had the surveys finished by October, 1826. The Governor ignored the Treaty of Washington and maintained the validity of the Indian Springs treaty. The Washington treaty had made a small reservation of lands on the Alabama line, shown on the map. Governor Troup in January proceeded to survey this reservation. The Creeks protested to President Adams, who threatened to use military force, if necessary, to compel the Governor to keep out of the unceded land. Governor Troup met this threat by issuing an order, as commander in chief of militia, to the major generals, to



hold their commands in readiness. He intended to defend the state from invasion on the part of the United States. The President, however, did not carry out his threat. Instead, he persuaded the Creeks to cede the small strip of land remaining in their possession. This last treaty was concluded in 1827.

### Summary

From the founding of the colony of Georgia to the final removal of the Creek Indians almost a century elapsed. The long residence of the Creeks in the state was due to the fact that in the eighteenth century there was no necessity for taking their lands, the population of Georgia being very small; while in the nineteenth century the Indians, with the support of the general government, were slow in making cessions. Under the Federal Constitution the right of acquiring Indian land was taken away from the individual states and lodged in the hands of the President and Senate; and as the Indian nations were considered to be the rightful owners of the land, the government was averse from urging them to sell against their wishes. The result was a very gradual recession of the Indian frontier, land being ceded in narrow strips. It was due largely to the determined position taken by Governor Troup that the Creeks were forced to cede their last territory in this state in 1826 and 1827. The Oconee River is the dividing line between

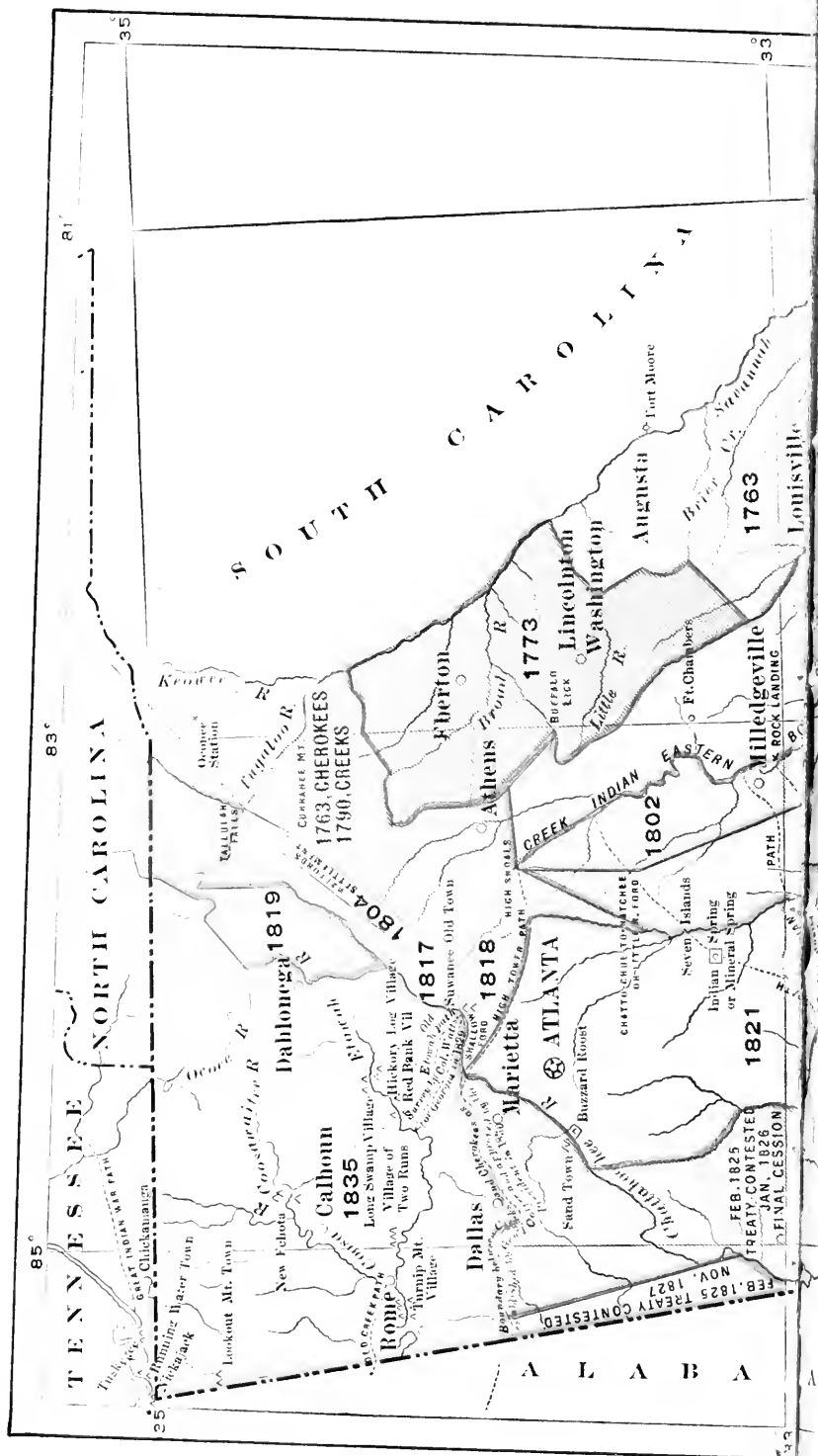
the two systems of land distribution. East of that stream the Head Rights system was used; the land to the west was given away under the Land Lottery scheme.

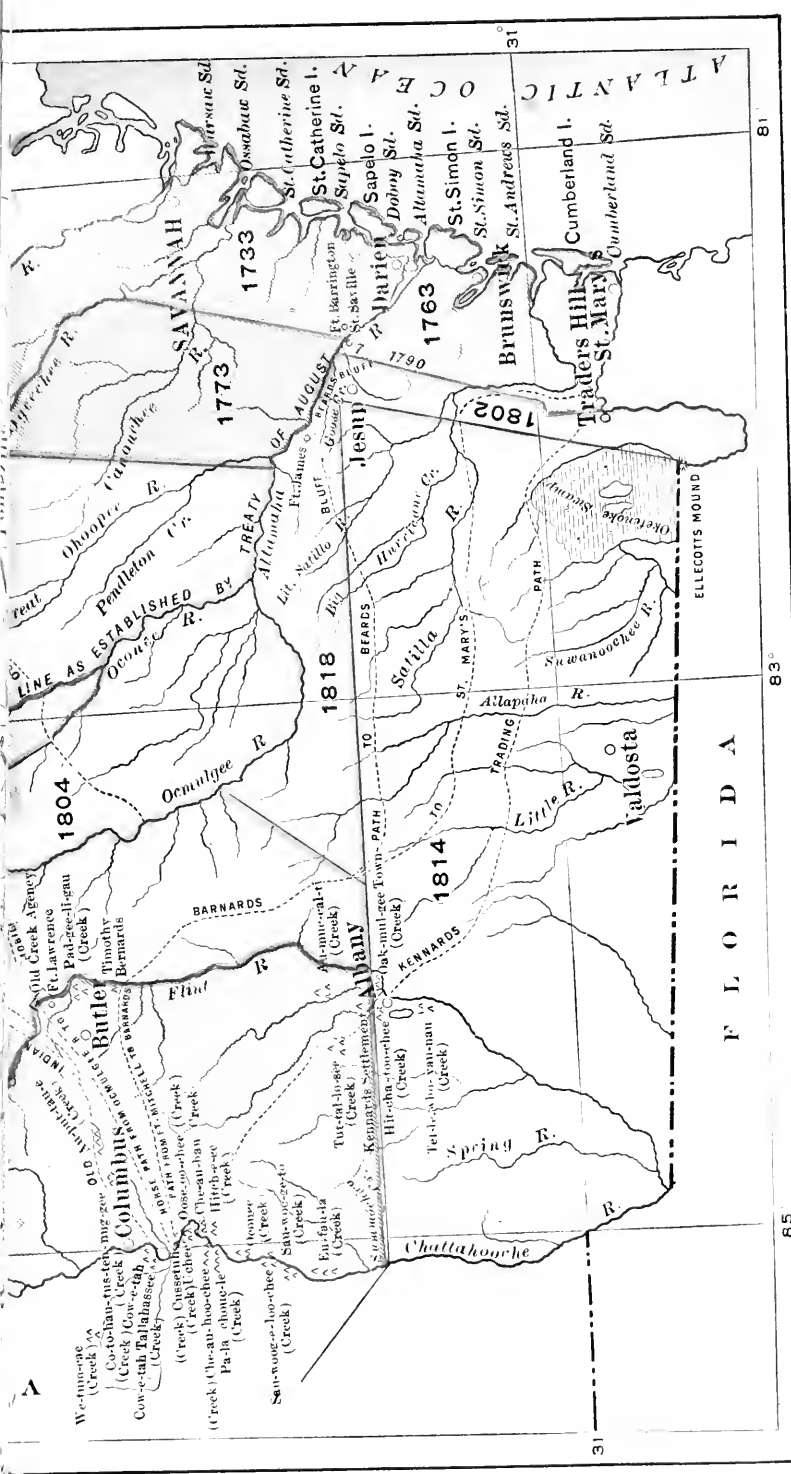
*Additional Reading:*

Acquisition of the Creek Lands: Phillips, U. B., *Georgia and State Rights*, Chap. II.

The Creek War: Harris, Joel Chandler, *Stories of Georgia*, pp. 184-198. McGillivray and McIntosh, Harris, pp. 199-215.







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FLORIDA



## CHAPTER XVI

### GEORGIA AND THE CHEROKEE NATION OF INDIANS, 1783-1838

#### The Cherokees

The Cherokee nation of Indians once possessed a vast territory.<sup>1</sup> Their boundaries were the Ohio River on the north, the Blue Ridge and the Kanawha and Wateree Rivers on the east, the Creek lands on the south, while on the west their hunting grounds extended to the Tennessee River. At the time when the strife over their lands became acute in Georgia, this extensive domain had been reduced by treaties to a relatively small area, lying principally in north Georgia, though it reached into western North Carolina, east Tennessee and northeast Alabama. A census of the Cherokees taken in 1825 showed a total population of 13,563 Indians, 1,277 negro slaves, and in addition there were 220 whites living among them.

#### Early Cessions

A large number of treaties were entered into between the federal government and the Cherokees, but only two or three extinguished claims in

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<sup>1</sup> See map, p. 16.

Georgia. A tract north of Broad River was acquired under the Colonial government. At the close of the Revolution the Cherokees were compelled to give up a small tract of land. Between 1817 and 1819, when about a third of the Cherokees migrated westward, the state acquired further land, though the cession was not important, as the majority of the migrating Indians were not from Georgia.

### **Cherokee Land Not in Demand until about 1820**

There was not an insistent demand during the early years of the century for Cherokee lands. The invention of the cotton gin had given a tremendous impetus to the cotton industry, and the Creek lands were far more suitable for the production of that staple. But by 1820 the state authorities began to put pressure on the central government to carry out the agreement of 1802. An effort was made in 1823 to secure a cession, but the Cherokees felt that further cessions would necessitate their removal west of the Mississippi, and, as a majority was opposed to such a course, the nation declared that it would not cede any more land.

### **Cherokees a Semi-Civilized People**

The Cherokees had during the first quarter of the last century to some extent abandoned savage modes of life and were making progress in civilization. The Federal government aided this change in every way



it could. With the increase in population and the gradual encroachment of the white man, game was disappearing, and the Indians were forced to become herdsmen and agriculturists. The government supplied them with hoes, rakes, plows, looms, cards and spinning wheels. The more intelligent Indians had taken advantage of the aid extended by the government and were showing capacity for civilization. A report made to the War Department in 1825 says that industrial and commercial life was flourishing among the Cherokees; population increasing; schools being established, and affairs in general in an encouraging condition. In 1829 General Carroll toured Cherokee land at the President's request. He reported that "the advancement the Cherokees had made in morality, religion, general information and agriculture had astonished him beyond measure. They had regular preachers in their churches, the use of spirituous liquors was in great degree prohibited, their farms were worked much after the manner of the white people and were generally in good order."

In 1827 the Cherokees set up a written constitution, modeled on the Federal Constitution. In this document they claimed independence as one of the distinct nations of the earth, much to the disgust of Georgians. Governor Forsyth protested to the President against "the erection of a separate government within the limits of the sovereign state."

## Progress of Cherokees Due to Presence of Whites

This progress of the Cherokees in civilization was due in large measure to the presence of half-breeds among them. During the Revolution many Tories had refugeed in Cherokee land, married Indian women and raised up families. Governor Wilson Lumpkin visited the Cherokees in 1825 and found that those people who were pursuing civilized branches of business were of white blood. He says, "But truth requires the statement of the fact that from the year 1825 to the final removal of the Cherokees, in 1840,<sup>1</sup> the great body of common Indians, who resided in obscurity and had but little intercourse with the white and half-breed races amongst them, still remained in brutal and savage ignorance."<sup>2</sup> The chiefs, who exercised almost autocratic authority, were almost invariably half-breeds and had English names. John Ross, the most powerful of their chiefs, was a half-Scot, a man of unusual mental capacity, well educated, and a fluent writer and speaker. Major Ridge and John Ridge were also great half-breed chiefs. These men controlled the political life of the Cherokees, were the recipients of large government bounties, and when treaties were made, got the bulk of the money paid for lands.

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<sup>1</sup> The records show that the Cherokees left in 1838.

<sup>2</sup> Lumpkin, Wilson, *Removal of the Cherokee Indians from Georgia*, I, p. 188.

## **Georgia Extends the Jurisdiction of her Laws Over the Cherokees**

The determination of Governor Forsyth and the people of Georgia to prevent the establishment of an independent Cherokee Nation within our borders found expression in 1828, when the Legislature passed an act extending the jurisdiction of the state laws and courts over the Cherokee country. Two years later it was made illegal for any council of the Cherokees to convene, their courts to sit or processes to be executed. If this legislation were upheld, it meant, of course, the extinction of the Cherokee Nation. President Jackson approved the course taken by Georgia. The intelligent chiefs of the nation, seeing that no help could be expected from the President, appealed to the Supreme Court. They employed counsel, and in 1830 applied for an injunction to restrain the state from carrying into effect the legislation of 1828 and 1830.

## **Cherokee Nation vs. The State of Georgia**

The decision of the court in the noted case of the Cherokees against Georgia was handed down in 1831. The petition for an injunction was denied on the ground that the court had no jurisdiction. For the Cherokees to be competent to sue in the Supreme Court, it was necessary for their counsel to prove that they were a state. The court held that while the plaintiff's counsel had proved that the Indian tribes

had always been treated by the national government as states, and while treaties made with them had recognized them as "people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements," yet they certainly were not states of the Union nor foreign states within the meaning of the Constitution. Chief Justice Marshall, who spoke for the court, said, "They may, more correctly, perhaps, be denominated domestic dependent nations." Mr. Justice Baldwin concurred. In his view, if the Cherokees were pronounced a state, capable of suing, then all the Indian tribes, of which there were hundreds, would be states, and the Supreme Court would speedily be flooded with suits brought by the Indians against the states. From the majority opinion Mr. Justice Thompson and Mr. Justice Story dissented. They held that the Cherokees were clearly a sovereign state within the meaning of the Constitution.

The decision, it will be observed, did not pass upon the real issue, the constitutionality of Georgia's course in extending the jurisdiction of her laws over the Cherokees. The case had simply been thrown out of court by the decision that Cherokees were not competent to sue in the Supreme Court.

### **Worcester vs. The State of Georgia**

The Cherokee question became more critical in 1829 when valuable gold mines were discovered in

Cherokee land. By the summer of 1830 three thousand white men had come to the Indian country. They were a vicious, profligate lot of men, and, freed from the restraints of civilized society, created much disorder with their gambling, drinking and carousing. In December the Legislature of Georgia passed an act making it illegal for any white man to live in Cherokee land after March, 1831, unless a permit were obtained from state authorities. A man named Worcester, a missionary, refused either to leave Cherokee land or to get a license to remain there. He was tried for illegal residence before the Gwinnett County Superior Court and sentenced to four years in the penitentiary. He refused a pardon offered by Governor Gilmer, if he would promise not to repeat the offense. His sympathies being with the Cherokees, he preferred to test the constitutionality of Georgia's course in passing laws to be enforced in the country of the Indians. This case was tried before the United States Supreme Court in October, 1831, being taken up on an appeal from the lower court. The court now had a chance to pass upon the constitutionality of the acts of Georgia against the Cherokees, and a decision was handed down declaring the acts unconstitutional, on the ground that the "Cherokee Nation is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force."

## President Jackson Refuses to Enforce the Decision

The Cherokees thought for a moment that they had at last won in their long struggle against the state, but they had not taken into consideration the peculiar character of President Jackson. That extraordinary man simply refused to execute the decision of the Supreme Court. "John Marshall has made his decision; now let him enforce it," he said. Several years before he had laid down his guiding principle on this subject when he said that "the arms of the United States would never be employed to stay any state of the Union from the exercise of the legitimate powers belonging to her in her sovereign capacity."

## Governor Wilson Lumpkin

In the fall of 1831 Wilson Lumpkin<sup>1</sup> became Governor of Georgia. His name had long been connected with the strife over Cherokee land. As a

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<sup>1</sup> Wilson Lumpkin (1783-1870), was born in Virginia, his parents migrating along with many other Virginians to Georgia in the latter part of the eighteenth century. The Lumpkins settled in Oglethorpe County. Wilson Lumpkin was a self-educated man. While he was growing up, he read all the literature of a serious nature that was available. His political career began in his twenty-first year, when he was elected to the state legislature. He held every office within the gift of Georgians, state senator, governor, congressman, and United States senator. No governor has ever sent to the legislature abler messages, covering so wide a range of topics. He was keenly interested in railroads, public education and the acquisition of the Indian lands.



WILSON LUMPKIN.

*Reproduced by permission from "Removal of the Cherokee Indians from Georgia," edited by Mr. W. J. DeRenne.*

member of Congress from 1827 to 1831, he had succeeded in getting through both houses a bill to settle west of the Mississippi all Indians remaining in the East. His policy as Governor differed radically from that of his predecessor, Governor Gilmer. The latter favored the extension of the jurisdiction of Georgia laws over Cherokee land, but had discountenanced the actual settlement of the Indian lands by whites until a cession was obtained. Governor Lumpkin, on the other hand, believed it to be impracticable to enforce Georgia laws and government over Cherokee land without a better population. The laws had been violated and the offenders had escaped because there were not enough respectable white men in the Indian country to maintain the laws. He, therefore, advocated the immediate survey and distribution of Cherokee land under the lottery system. It was not proposed by the Governor to take away any lands or improvements actually used by the Cherokees, but to introduce a white population to take up those parts of the country which were not occupied. The Legislature adopted the Governor's ideas and in 1831 authorized the survey and distribution. The survey was completed in 1832 and the drawing of lots finished in May, 1833. In accordance with the act of 1832, Cherokee land was divided into the ten counties of Forsyth, Lumpkin, Union, Cobb, Cherokee, Gilmer, Cass, Murrav, Floyd and Paulding. In his annual message of 1833 Governor



Lumpkin mentions the fact that a settled freehold white population was to be found all over Cherokee land.

In all these acts the Governor met with violent opposition from his political opponents in Georgia and from sentimentalists over the entire Union. He was incessantly annoyed and obstructed in his course by the Cherokee chiefs and their lawyers.

### Final Treaty, 1835

Finding that no relief had come from the decision of the Supreme Court, a strong white population having occupied large parts of their land, and unable to maintain their government, a faction of the Cherokees decided that it would be best to give up the struggle and migrate west of the Mississippi. The nation split into two parties on this question. The treaty party was led by the Ridges and Elias Boudinot. Boudinot was editor of the Cherokee *Phoenix*, a newspaper which had begun publication at the Cherokee capital several years before Governor Lumpkin's term of office began. The opposition was headed by John Ross. Both parties, in 1835, sent delegations to Washington. The Ridge delegation went to negotiate a treaty; the Ross faction to protest against a cession. In March, 1835, a treaty was made between the government and the Ridge party, with a provision that the treaty was to be binding only after it had received the sanction of the

whole Cherokee Nation. In the following October, when the treaty was laid before a council of the nation, it was rejected. The United States Commissioners summoned a meeting of the Cherokees at a Cherokee town called New Echota. The Ross faction did not come, but with the Ridge party the Commissioners made a treaty, under the terms of which the Cherokees were to remove west of the Mississippi and receive \$5,000,000 for their lands. This treaty was denounced by the Ross party, as not being the will of the majority. But the treaty was ratified at Washington, in spite of protests. Many prominent men in Congress took the part of the Indians; Congress was memorialized by the Ross faction and by disinterested persons. But all efforts at redress failed. General Scott was sent down to superintend the removal of the Cherokees, and by the end of 1838 the Nation had left the ancestral hunting grounds. A few Cherokees fled to mountain fastnesses to avoid removal and their descendants may still be found in extreme North Georgia. In their new homes the factional quarrels were renewed, the Ridges and Boudinot finally forfeiting their lives to the vengeance of the irreconcilable members of the Ross party.

### Summary

Occupying the remote mountainous section of Georgia, the Cherokees were for many years left in

undisturbed possession of their soil. The main interest of Georgians was to obtain lands suitable for cotton raising, and the Creek country was very much more desirable. It was only after the Creek controversy was settled, therefore, that the Cherokee matter became critical. The determination of Georgians to expel the Cherokees was partly due to the action of the Cherokees in setting up a formally organized government within the territory set apart to Georgia by the agreement of 1802 with the United States. The Cherokees were ably led by half-breed Indian chiefs and succeeded in getting a decision from the Supreme Court of the United States that Georgia had no right to break up their government. But for the fact that President Jackson sympathized with the state, the departure of the Cherokees would have been indefinitely delayed. A treaty was finally made with a minority of the Cherokees in 1835 and against the protest of the majority and of many disinterested men all over the Union, the Indians were compelled to move west of the Mississippi, receiving there an acreage equal to that surrendered, besides \$5,000,000.

*Additional Reading:*

Removal of Cherokees: Harris, Joel Chandler, *Stories of Georgia*, pp. 216-226.

## CHAPTER XVII

### ORIGIN OF THE BLACK BELT IN GEORGIA

#### What the Black Belt Is

The accompanying maps were made by shading all those counties which were shown by the censuses of 1860 and 1910 to contain more negroes than white people. These counties, constituting what is known as the Black Belt, cover a large part of middle and southwest Georgia. All the counties north of this region contain white majorities, as do those of the southeastern section, except the seacoast counties, which constitute a smaller region of black predominance. The existence of this great Black Belt is one of the most important conditions at the present time, and there is no more interesting subject in the social history of the state than the origin and growth of this region.

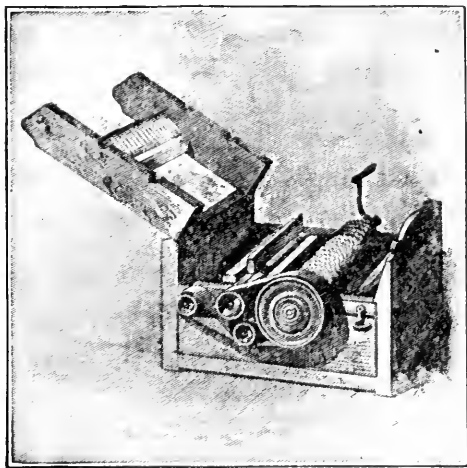
#### Invention of the Cotton Gin

The Black Belt is a consequence of the cotton industry. For many ages the utility of cotton in the manufacture of cloth had been known, but the widespread use of the fiber was until comparatively re-





cent times impossible because of the difficulties in the way of getting the lint from the seed, spinning the fiber into thread and weaving the thread into cloth. All of these operations a hundred and fifty years ago were performed by hand, but in the eighteenth century English inventors made machines to do the spinning and weaving, with the result that



WHITNEY'S COTTON GIN.

one man could turn out as much cloth as had a hundred with the old hand methods. These inventions naturally created a tremendous demand for cotton, but the fact that a skillful worker could remove the seed from less than a dozen pounds of cotton in a day stood in the way of further development. Several devices were invented to overcome this difficulty, but it was reserved for a young man named Eli

Whitney<sup>1</sup> to perfect the simple and efficient machine which is now used. This invention revolutionized the economic history of Georgia and the other Southern states. The raising of cotton and the industries that grew out of it soon became the greatest of all businesses.

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<sup>1</sup> Eli Whitney was born in Massachusetts, and was graduated from Yale in 1792. While he was on his way to South Carolina to take a teaching position, he met Mrs. Greene, widow of General Nathanael Greene, and was invited by her to spend a few days at her home near Savannah. His attention was called to the fact that the cotton industry was hampered by the lack of some mechanical means of separating the seed from the lint; and though he had never given the question any previous study, within ten days he had made a model which worked successfully. Many imperfect gins had been made, but Whitney was the first inventor to put on the market a practical machine. His gin consisted of a wooden roller in which iron teeth had been set. The substitution of saws for the iron teeth was a later invention. With his gin, even when it was turned by hand, fifty times as much cotton could be cleaned as formerly. Whitney patented his invention and undertook not only to manufacture the gins, but to monopolize the business of ginning. In 1796 he had thirty gins going in Georgia, some run by water, others turned by horses or oxen. It was impossible for Whitney to supply the demand for gins in the way he went about it; the people were opposed to his attempt to monopolize ginning; and several men infringed on his patent rights, even going so far as to break into his workshop and steal the model. Whitney sued these people, but obtained a judgment only after many years of litigation. Georgia received more benefit from the invention than any other state, and yet refused to do anything for Whitney in a financial way. South Carolina appropriated a large sum for Whitney's use, but this was expended in protecting his rights in Georgia. Though Whitney's name will always be famous as one of our greatest inventors, he made no profit from his invention.



## Revival of Slavery

Experiment quickly revealed to the farmers of eastern Georgia that their lands were admirably suited to cotton growing, and the extremely high price of cotton (24 cents per pound in 1800) led to a rapid development of the industry. Those farmers who had been frugal and saved their money began to buy slaves and devote their attention to producing the great staple. Before the several inventions gave this impetus to cotton planting, slavery had been felt as a burden. The Northern States had years before emancipated or sold their slaves, because they found it cheaper to hire labor by the day or month than to own and support the laborers. In the South also the feeling was growing that slavery was unprofitable. Most of the societies for the emancipation or colonization of the slaves were of Southern origin. In 1820 Congressman Reid, of Georgia, denounced slavery on the floor of the House of Representatives at Washington, and as late as 1832 there were in Georgia four branches of the American Colonization Society, which advocated gradual emancipation and deportation. John Randolph, of Virginia, himself a slaveholder, said that he expected to live to see the day when masters would run away, be advertised and brought back to take care of their slaves. The explanation of this anti-slavery sentiment is that slaves could not be profitably used except in large-scale industry. The only crops besides

cotton in which they were employed to any considerable extent were tobacco and rice. In view of the fact that soil suitable for these crops is very limited, it is probable that slavery would never have amounted to much but for the sudden development of cotton growing. The anti-slavery sentiment declined as soon as this new and extremely profitable way of utilizing slaves was discovered. Instead of trying to get rid of the few slaves in the South, there was a great rush to get more of them.

### **White Counties Become Black**

All of the counties in the eastern part of the Black Belt once contained white majorities. Those counties nearest the Savannah River were the first of the Middle Georgia counties to be settled. The early comers were people of limited means. They lived on the frontier, far from markets, and were forced to raise practically everything they used. Diversification of agriculture was therefore the rule. This simple society was transformed when cotton production became profitable. The most prosperous of the small farmers began to buy slaves and to increase their land holdings. Practically every other crop was abandoned in order that attention might be concentrated on cotton raising. Augusta developed into an important market town, supplying the cotton raisers with the necessities not raised on the farm. This movement went on so rapidly that by 1800 Richmond

County had a majority of blacks, and thus became the first of the Black Belt counties of Middle Georgia. Columbia was the second county to acquire a black majority, and by 1820, in Burke, Wilkes, Oglethorpe, Greene, Hancock and Baldwin, slaves outnumbered the white people. At each new census it was seen that the black counties were increasing in number. Gradually pushing westward and southwestward, by 1860 the counties in extreme southwest Georgia had been added to the Black Belt. The direction which the movement took was dictated by the nature of the soil, the farmers naturally taking up what seemed to them the best land for their purpose.

### History of Typical Counties

The population statistics of a group of Middle Georgia counties serve admirably to illustrate and explain the growth of the Black Belt.

### POPULATION STATISTICS IN CERTAIN MIDDLE GEORGIA COUNTIES

	Columbia		Lincoln		Wilkes		Oglethorpe	
	Whites	Blacks	Whites	Blacks	Whites	Blacks	Whites	Blacks
1800....	5321	3024	3326	1440	8032	5071	6686	3094
1810....	5229	6013	2331	2224	7602	7285	6857	5440
1820....	5213	7482	3378	3080	7838	9768	6703	7343
1830....	4467	8139	2824	3321	5265	8972	5659	7959
1840....	3920	7436	2527	3368	3630	6518	4506	6362
1850....	3617	8344	2187	3811	3805	8203	4382	7877
1860....	3511	8349	1675	3791	3434	7986	4014	7535
1900....	2900	7753	2883	4273	6423	14442	5638	12243

It will be observed that in all these counties in 1800 the white people were overwhelmingly in the majority, though there were many slaves even at that early date. Slaves were rapidly increasing in number, however, and by 1820 had forged ahead in three of the counties, Lincoln showing a black majority in 1830. During these twenty years, while large numbers of slaves were being brought in, the white people were barely keeping their numbers up to the standard of 1800. After 1820 there comes a sharp break in the white population statistics, a rapid decline sets in, and at every census period up to 1860 the counties are seen to have lost more of their white citizens. The black columns, however, read differently, for negroes continue to increase in number. The figures for 1900 are given to show the astonishing fact that there were far fewer white people in these counties in that year than there had been a hundred years previously. We are here concerned, however, only with the ante-bellum situation. These figures mean that up to about 1820 the small farmer working his own land was the leading element in the population; but that after that time planters or large-scale farmers with their gangs of slaves assumed the control of the section. It is important to note that it was not merely a matter of slave population growing, but that there was an actual decline of the white population. The whites who moved out in the first instance were the small farmers.

## Why the Poorer Whites Migrated

It must be remembered that during the first third of the nineteenth century Georgia was what may be called a pioneer state, that is to say, there was always fresh land toward the west. This Indian land was obtained in narrow slices, the frontier was gradually pushed back and new land became available for agriculture. The wealthier planters in the older counties were constantly adding to their acres, buying more slaves and increasing the size of their business. They were forced to do this, because the price of cotton was steadily falling and the price of slaves as steadily going up, so that in order to keep up a certain income the planter was obliged to enlarge his operations. The result was that the plantations tended to absorb the little farms. The small farmers were usually quite willing to sell. Working with their own hands, they did not relish living amid a large black laboring population, and, furthermore, the new lands were beckoning them. Having but little to move, it was an easy matter for the small farmer to migrate to the new lands in the wilderness, cut down a few trees, build a cabin and begin life anew. But moving was a serious matter for the great planter, with large possessions of household furniture, slaves, cattle and work animals. These simple facts account for the decline in the white population and the well known increase in the average number of slaves per slaveholder.

## The Planters Follow the Small Farmers

Though the small farmers were the first to move, migration was by no means confined to that class. Modern methods of preventing the exhaustion of the land were little known or used before the Civil War. Land was cheap, and the planters found it more immediately profitable to use up quickly the native fertility of the soil and move on to fresh lands than to spend time and money in conserving their acres. Hence, the small farmers in a new section would barely have time to get settled before the planters would come along and buy them out again. The rapidity of this movement is indicated by the following quotation from a Georgia historian, writing in 1829: "Almost all the towns on the west side of the Ocmulgee River seem to have sprung into existence as if by the plastic hand of magic. Four or five years ago the whole territory was a solitary wilderness; no voice was heard except that of the Indian hunter; but now industry has converted it into beautiful plantations and ornamented it with many lovely villages."<sup>1</sup> The impatience of Georgians to get rid of the Creeks can only be understood in the light of this sudden expansion of cotton raising. The Creeks owned the best cotton lands and were making no adequate use of them. Governor Troup's insistence in this connection was due to his alarm at seeing

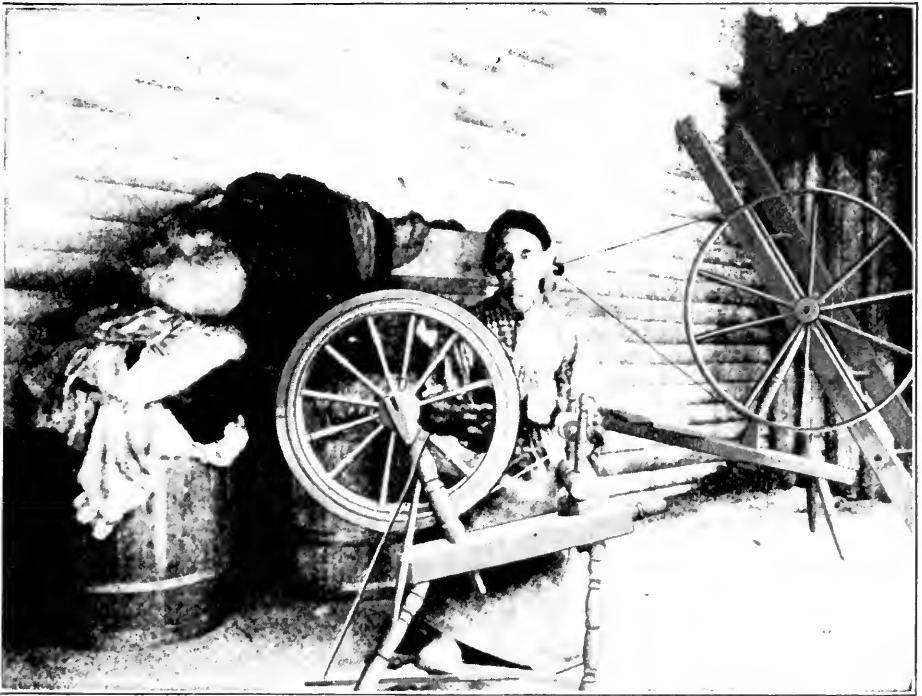
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<sup>1</sup> Sherwood, A., *Gazateer of Georgia* (1829), p. 109.

Georgians pass over the Indian country and go into Alabama, for the cotton planter did not regard state lines.

### Growth of the Cotton Industry

Statistics show how rapidly the production of cotton increased as this new land came under cultivation. In 1791, before the invention of the gin, Georgia



AN OLD TIME SPINNING WHEEL.

*From Coman's "Industrial History of the United States" (Macmillan).*

produced 1,000 bales of cotton. This was used in home manufacture. Many of the old time looms are still to be found in the attics of farm houses;

indeed, in the mountains of North Georgia hand spinning and weaving are still practiced. By the beginning of the new century, Georgia's product had increased to 20,000 bales; in 1811 to 40,000; in 1821 to 90,000, and in 1826 to 150,000. No other state equalled Georgia in 1826 in cotton production; prior to that time South Carolina had been the leading state.

### Summary

The student will now understand the process by which Middle Georgia was settled and why it is that the majority of the population of that section is black. At first the counties were white, peopled by small farmers; then great plantations with numerous negroes followed the invention of the cotton gin; the planters bought out the small farmers, who moved westward in search of new land. In a few years the planter exhausted the fertility of his soil and then moved westward, again buying out the small farmer. This process was continuous throughout the South. Black belts formed in all the states of the lower South, and the population in such regions still remains predominantly black. Of course, it must not be supposed that all of the small white farmers left any given neighborhood. There were at all times great planters, small slaveholders and non-slaveholders in every county. But the general tendency was as has been described.



## CHAPTER XVIII

### SLAVERY: ECONOMIC AND SOCIAL ASPECTS

#### Treatment of Slaves

The world is coming to understand now much better than formerly the true condition of the Southern slaves. During the two decades preceding the Civil War, when the feelings of men were wrought up to a high tension, it could hardly be expected that justice would be done the slaveholder. Northern people came into contact with only the most unfortunate aspects of slavery, such as the arrest of runaway slaves and their forcible return to bondage, and the unpleasant incidents connected with the slave trade. Incidents of cruelty to slaves were not heard of as exceptions to the rule of good treatment, but as representing the general attitude of owners. Such a book as "Uncle Tom's Cabin" created a powerful public opinion against slavery. Southern slave owners resented being constantly denounced as morally deficient. Many of them would have gladly escaped the responsibility of caring for the slaves, but were convinced that the negroes would be in a worse condition as freedmen. An instance of this type of slaveholder was the Reverend J. O. Andrews, of Georgia. In 1832 he was elected a bishop in the

Methodist church, which at that time had not been divided into northern and southern branches. Bishop Andrews owned no slaves when elected and never bought one in his life, but his wife inherited a number of negroes and in this way the bishop became a slaveowner. In 1844 the matter of his possessing slaves was brought before the general conference of his church and he was asked to resign his position because he would not give up the slaves. Answering the charge brought against him, Bishop Andrews said: "Strange as it may seem to you, brethren, I am a slaveholder for conscience' sake. I have no doubt that my wife would, without a moment's hesitation, consent to the manumission of those slaves, if I thought proper to ask it. But how am I to free them? Some of them are too old to work and are an expense to me, and some are little children. Where shall I send them? But perhaps I shall be permitted to keep these helpless ones. Many of them would not go. I believe the providence of God has thrown these creatures into my hands and holds me responsible for their proper treatment."<sup>1</sup> These words fairly represent the attitude of the vast majority of slave-owners in Georgia. Every one knew that there were masters who abused their slaves, but such owners were held in contempt by the gentlemen of the South.

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<sup>1</sup> Smith, G. G., *Life and Letters of J. O. Andrews*, p. 352.

## Records of Georgia Families

The plantation records and letters of Georgia families, many of which have been collected and published,<sup>1</sup> afford abundant evidence of the great care and consideration exercised by slaveholders for their servants. Specific rules were laid down as to the punishment of slaves. For instance, one planter prohibited his overseer from inflicting punishment until twenty-four hours after the offense; another did not have a driver, but held the overseer responsible for the work. A driver was a sort of gang-boss, set over a group of slaves to see that they performed their tasks. He was a negro of more than common mental capacity. Other rules regulated the hours of work, required the overseers to inspect the clothes, shoes and blankets of the negroes and keep them comfortably clad; work in the rain was prohibited, and provision was made for numerous holidays. Several times a year the owner directed the overseer to kill beef for the negroes. The general policy was to keep them happy and contented. They usually had the right of appeal to the master, an important matter, since it afforded a check on arbitrary treatment at the hands of the overseer. It was even charged that some overseers allowed the negroes to leave their work undone in order to avoid complaints to the owner.

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<sup>1</sup> Phillips, U. B., *Plantation and Frontier Documents*.

## Coast and Upland

The coast or rice plantations were low, marshy and malarious. Few owners had the courage to live on their places during the hot season. The overseer was necessarily an important person, and the rules above mentioned were in nearly every case those of coast plantations. In this way planters sought to avoid the dangers almost inseparable from absenteeism. Overseers as a class were uneducated, unrefined and irresponsible. Management of negroes was their stock in trade, and, of course, their temptation would be to make as great profits as possible. In the upcountry, slaves were fewer per owner and the planters normally lived on their places, in close contact with the laborers. As a consequence, conditions were better in the cotton planting districts. On the other hand the most conscientious efforts for the betterment of the slaves were sometimes found on the coast, as in the case of the Association for the Religious Instruction of the Negroes, in Liberty County, Georgia. The Reverend C. C. Jones, father of the historian of that name, spent his life in missionary work among the coast negroes.

## Public Sentiment

The treatment accorded slaves depended in large measure on the character of the individual slaveholder. If he were so ignorant and brutal as not to know his own interests, he might maltreat his slaves.

thus reducing their efficiency as workers. Public sentiment was strongly against a slaveholder who abused his servants, and the consensus of opinion among modern scientific students of history is that on the whole slaves were well treated. Their hours of labor were not as long as those of free laborers in the North, their food was quite sufficient to keep them in prime condition, their clothes and housing as adequate as those of any other laboring people, taking into account the difference in climate. At the time negro slaves were introduced into America in the early 17th century, there was little moral sentiment against slavery, either North or South. As time went on the civilized world came to regard slavery as a relic of barbarism that ought not to be tolerated any longer. Many Southerners sympathized with this view and emancipated their slaves; but to the vast majority of Southerners wholesale emancipation seemed to be unthinkable. The ante-bellum planters found the slaves already at hand; they were convinced that negroes were unfitted for freedom and could be made a source of social advantage only by being taken care of by white men. It was all very well to talk of the blessing of freedom, but Southerners could only hear with misgivings any suggestion of freeing masses of ignorant slaves; and they deeply resented constant attacks from the outside directed against their own moral character. On the whole slaveholders were as religious, moral, high-

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minded a race of men as ever lived. They felt slaveholding as a great responsibility and did everything they could for the slaves that was consonant with their conception of public safety.

### Slaveholding and Non-slaveholding Families

The total white population of Georgia in 1860 was 591,550, or about 118,000 families. Of these families 41,084 were slaveholders, leaving the overwhelming majority, about 77,000, in the non-slaveholding class. But all the slaveholders were not farmers: 6,713 possessed only one slave each; 4,355 two each; 3,482 three each. These owners of a few slaves were usually residents of towns and kept their slaves as household servants. About twenty slaves was the number that could be most profitably managed by one overseer; and we may take the possession of that number as the minimum that would place the farmer in the planter class. Of such slaveholders there were in Georgia 6,363 in 1860. The massing of the bulk of the slaves in so few hands indicates the system of agriculture that dominated the state in antebellum times, namely the plantation.

### The Cotton Plantation

Cotton growing was admirably suited to slave labor. Unlike the rice, indigo and tobacco industries, the other types of labor in which slaves have been employed in the United States, cotton is not confined

to a limited area, but can be produced almost anywhere in the state. In the second place, cotton production occupies the labor practically all the year, thus enabling the planter to avoid supporting his laborers over long periods of inactivity. Again, cotton raising is a rather simple process, lending itself readily to routine work, the only sort of exertion slaves were capable of. The planting was done by hand, the cultivation principally by the hoe and no machinery used in the harvesting of the crop. Another reason why cotton raising suited slave labor was that each laborer could cultivate a much smaller area than if he were raising corn or other cereals, and hence the laborers could easily be massed together under the eye of the overseer. It was more economical to conduct operations on a large scale, because expert supervision was absolutely necessary, and, as overseers were expensive, it paid to have each overseer control a large number of slaves. These facts taken together explain the existence of the plantation system.

### **Cotton Raising a One Crop System**

The profits to be made from cotton raising during times of high prices were attractive, and the low character of the labor made diversified farming impracticable, so that planters gradually left off trying to produce anything but cotton. It was a "one crop" system. There were some wise planters who produced

nearly everything they used, but the majority did not; and all during the ante-bellum period Georgia was a heavy buyer of Western corn, wheat and forage.

### Slow Growth of Manufactures

Another unfortunate result of the domination of "King Cotton" was that the increased demand for slaves sent prices soaring. The African slave trade was abolished in 1808, so that the planters had to depend upon natural increase for slaves. Competition for laborers became very keen. In 1800 a prime field hand was worth, in Georgia, \$300.00. By 1860 the price had advanced to \$1,800.00. At the same time the constant tendency was for the price of cotton to fall. In 1800 it brought 24c; in 1830, 17c; in 1850, 12.3c; in 1860, 11c. Hence the planter who would keep up his accustomed standard of life had to be always increasing his acreage and his force of slaves in order to obtain the same income. The result was that every available dollar went into cotton lands and negroes, and little was left for investment in manufacturing and other industries. On this point a traveller remarked that in Georgia, where "there is more life, enterprise, skill and industry than in any of the old slave commonwealths"; where the natural resources for manufacturing were fine; where "land-rent, water power, timber, fuel and raw material for cotton manufacturing are all much cheaper" than in New England, there was a



total lack of any diversity of labor, due to the absorption of capital in slaves and cotton lands.<sup>1</sup> Promoters found it impossible to sell shares in proposed manufacturing enterprises, because all the spare cash went the traditional way. It is not to be inferred that there were no manufacturing enterprises in the South. Cotton mills were in operation before the war in Athens, Augusta, Eatonton, Sparta, Columbus and in other towns. The census of 1860 credited Georgia with 1,890 manufacturing establishments, capitalized at \$10,890,875. These establishments employed 11,575 laborers at an annual cost of \$2,925,148; the value of the product being estimated at \$16,925,564. As indicating the development since the War, it is interesting to note that the census of 1910 shows that in Atlanta alone there were manufacturing industries capitalized at \$30,878,000, three times as much as the total for the entire state in 1860. But in comparison with the industries of the northern states these establishments were insignificant in size and number. The South did not take a leading part in the great economic revolution, which, during the first half of the 19th century, transformed England, France, Germany and the northern United States from agricultural to manufacturing communities.

### Low Character of the Labor

Of the slavery system in general, it may be said

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<sup>1</sup> Olmsted, F. L., *Seaboard Slave States*, pp. 523-544. Olmsted was a northern farmer and student of political economy.

that slave labor cost the South more than free labor would have cost, had it been available. Negroes were lazy, inefficient and unintelligent. A noted traveller, Sir Charles Lyell,<sup>1</sup> was interested in Louisiana to find that it took three negroes to cut and bind two cords of wood in a day, whereas in New York one white man prepared three cords daily. He was also told that where negro and white laborers were worked together the negro was required to do only two-thirds as much work as a white laborer. Another reason why slave labor was so expensive was that the negro, like all stupid and ignorant people, was stubbornly opposed to new ideas. It was found impossible to introduce improved methods of tillage. At the time when the northern and western farmer was using the drill, the horse-hoe, the reaper, and was threshing by machinery, the bulk of work on Southern plantations was done with an ordinary hoe. Planters tried to use labor-saving machinery, but the negroes invariably either broke the tools or were careful to waste time so that the net result would be in favor of the old methods.

### Support of Idle Slaves

Under a free system, when one desires certain work done, a laborer is hired for that particular job or for a given length of time, and the employer pays for

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<sup>1</sup> Lyell, Sir Charles, *Second Visit to the United States*, *passim*.

the actual services rendered. Under slavery, it was not always possible to keep the laborers at work, but they had nevertheless to be maintained while idle. This point was stressed by a Northern preacher, Nehemiah Adams, who, during a visit to the South, observed that the kindness of owners prevented them from disposing of superfluous negroes. Susan Dabney Smedes, in the *Memorials of a Southern Planter*, says that on her father's plantation the work of the women and children and of some of the men amounted to so little that he made but little effort to utilize it. "It was very laborious to find easy work for a large body of inefficient and lazy people, and at Burleigh the struggle was given up in many cases. The different departments would have been more easily and better managed if there had been fewer to work." Another element of cost was the expense attached to rearing the slave children to the age where they could be used, and the support of superannuated slaves.

### Effect on the Soil

The one-crop system and the absence of fertilizers were unfortunate for the land. Rotation of crops was not practiced and little effort was made to conserve the soil. When the areas under cultivation at any given moment became less productive by reason of the methods of tillage the planters pushed on westward with their slaves, bought the holdings of small

farmers, cut down the trees, used the virgin soil, and presently abandoned the country to the mercy of the washing rains. A vivid account of Middle Georgia is given in a book on the industrial resources of the South, edited by a professor in one of the Southern colleges. "The native soil of Middle Georgia is a rich, argillaceous loam, resting on a firm, clay foundation. In some of the richer counties nearly all the lands have been cut down, and appropriated to tillage; a large maximum of which have been worn out, leaving a desolate picture for the traveller to behold. Decaying tenements, red, old hills, stripped of their native growth and virgin soil, and washed into deep gullies, with here and there patches of Bermuda grass and stunted pine shrubs, struggling for subsistence on what was once one of the richest soils in America."<sup>1</sup> The state of Georgia is now, through her teachers of agriculture, trying to overcome the effects of this disastrous system of farming. Rotation, diversification and the use of fertilizers, cattle raising, dairy farming and like industries are revolutionizing the state.

### Effect on Society

As has already been said, the majority of Georgia families owned no slaves. The large-scale planters were a small percentage of Georgia farmers. Below

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<sup>1</sup> DeBow, J. D. B., *The Southern States*, 1856, p. 363.

them in the social scale was a class of smaller slave owners who are said to have been unprosperous. The third element in society was the independent, non-slaveholding farmer. Among this element of the population, constituting the great majority, there were striking variations in conditions. It is not true, as has usually been said, that all non-slaveholders were a destitute class. It is certain that in the constant westward march of the planter in search of new lands, the independent farmer was dispossessed. Constantly on the move, he found it difficult to develop a secure, satisfactory agricultural system. Many men of this class took positions as overseers on the plantations and in time saved money to buy slaves and become planters. Another part of the independent farmer class got out of the path of the planter and established a strong and sound section of small farms, worked intensively and carefully. The counties in the northeast section of the state, for instance, afforded homes for many thousands of these men, who were, as a rule, thrifty and saving. Yet another element of the small farmer class, discouraged by the continual encroachments of the planter, lacking industry and initiative to develop their own small farms, unwilling to work for wages in competition with slave labor, drifted into the pine barrens, waste places and mountains, and there led miserable lives. They were entirely cut off from contact with the planter class and all it

represented. They knew nothing of the great movements in the world about them. The color of their skin raised them above the negro, their pride of blood and the degradation of labor in a slave régime made it impossible for them to do hired work. They accumulated nothing, rarely acquired even the rudiments of learning, and were utterly disregarded by the other elements of society. Even the slaves themselves on the large plantations held these people in contempt.

The negroes came at the bottom of the ladder. In many respects they received more benefit from slavery than any other class. Coming to America as savages, members of a race which had never contributed anything to civilization, the enforced labor of two hundred years taught a considerable proportion of them habits of industry. No primitive people ever got their upward start under such happy auspices as did the American negroes. That many thousands of them are now prosperous landowners, that tens of thousands are being trained in schools for lives of usefulness, while still others have gone forth into every sort of industrial work, are facts which can only be understood by reference to the training of slavery.

### Social Life

There were many very attractive features in the lives of the upper class of Southern ante-bellum

society. Though the planters had always hanging over them the problem of managing a difficult system; though the mistresses of the homes spent lives of service, tending the sick, making clothes for the slaves and listening to their real and imaginary complaints—the slave was simply a child—yet the sense of large responsibility produced a race of men whose superiors in masterful qualities have never existed. With wealth and leisure, the sons of the planters went North and to Europe for their education, and, on returning home, naturally entered politics and the law. So great was their political capacity that the planters and lawyers controlled the national government for many years previous to the Civil War.

A cultured, refined race of men, many of whom are still with us, the Southern planters threw open their doors to men of their own class. Hospitality was the universal practice. "Nowhere in the world," says F. L. Olmsted, writing from the Georgia-Carolina coast, "could a man with a sound body and a quiet conscience, live more pleasantly, at least as a guest, it seems to me, than here where I am." By living in long and intimate contact with the lower race, the white men of the South learned the black man's character; he valued the essential fidelity of the slave, and is not too greatly exasperated at the present-day negro's shiftlessness and aversion for work. This insight into the nature of the negro gives the southern

man a vantage ground of great importance in studying the race problems resulting from the Civil War.

### Summary

While it is a well substantiated fact that slaves were on the whole well treated, when we look at slavery from the point of view of the economic welfare of the South, the picture is less cheerful. The absorption of practically all the available capital in the purchase of land and slaves prevented the development of manufacturing, and, in fact, of any except agricultural industry. Further, wholesale cotton planting with inefficient negro labor resulted in a too rapid exploitation of the land. Another unfortunate effect was the too great stratification of society; opportunity was not sufficiently equal, and though a race of masterful and capable men was produced by the Southern system, the position of the poorer people was not as good as it is now.

### *Additional Reading:*

Condition of Negro as a Slave, Smith, C. H., *History of Georgia*, Chap. XXXIV. African Slave Trade, Its Origin and Growth, Smith, C. H., Chapter XXXIII. The Common People and the Aristocracy, Smith, Chapters XXXVI and XXXVII.



## CHAPTER XIX

### POLITICAL HISTORY OF SLAVERY

#### The Extension of Slavery

The legality of slaveholding in the *states* of the Union was never a matter of dispute between the North and South. The Constitution recognized the institution and guaranteed the protection of slave property. But nothing was said in the Constitution about slavery in the vast western territory belonging to the United States. Congress was empowered to make all needful rules and regulations respecting the territory or other property of the United States. Clearly there could be no more important legislation touching these territories than the settling of the slavery question, and for many years the right of Congress to decide whether a territory should be free or slave was not contested. The Civil War was the result of a long contest between the free states and the slave states over the status of labor in the western domain, each section striving to extend its labor system to the property held by all the states in common. The people of the North, resenting slavery as morally wrong and denying the economic soundness of the institution, at an early date conceived the idea of preventing the expansion of the

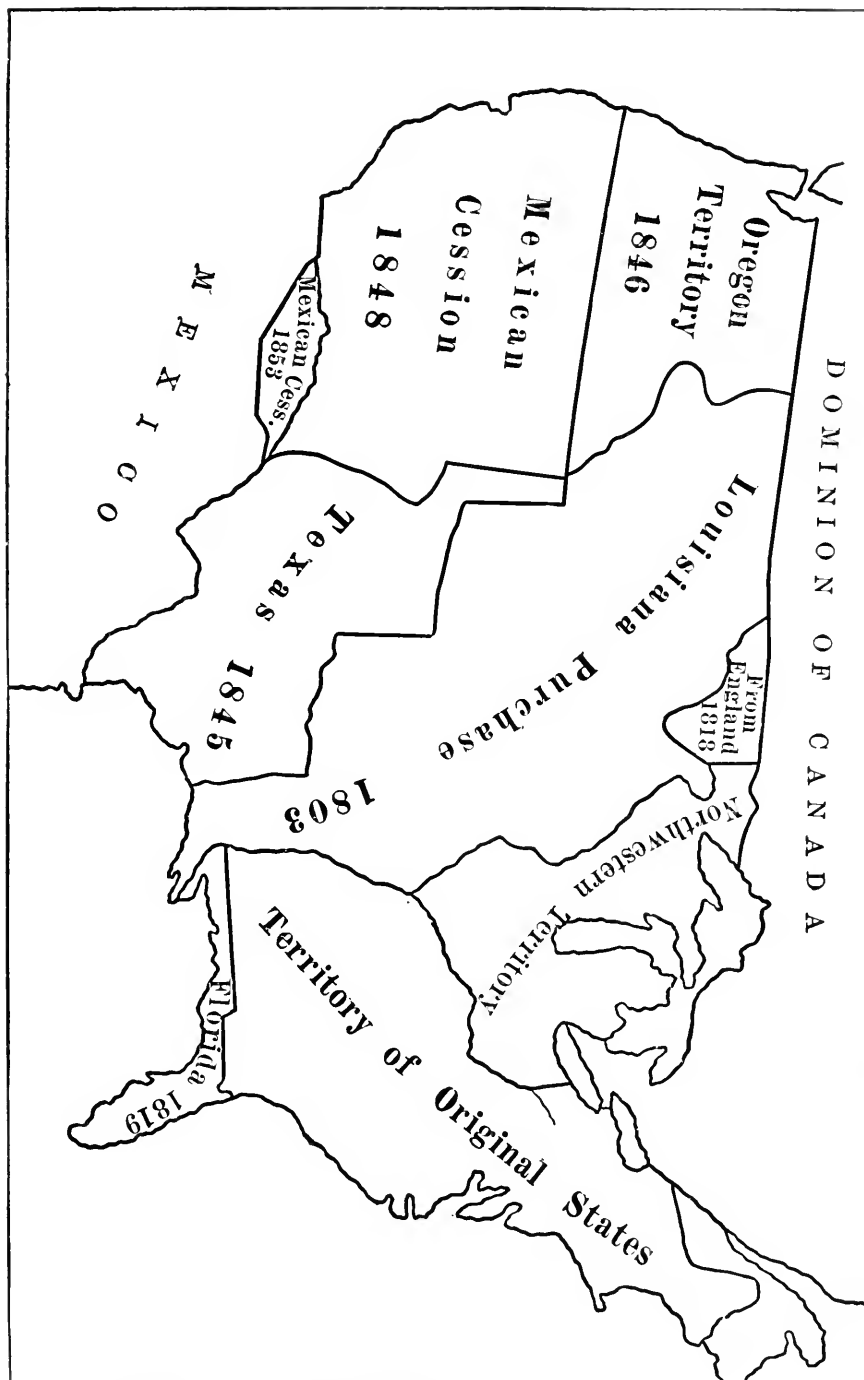
institution into the West. By confining it to the South, they thought to doom slavery to a natural death.

### Why Extension was a Necessity to the South

But free access to the West was a necessity in the eyes of Southern people. We have seen how the quick exhaustion of the soil occasioned a constant westward drift of planters with their slaves in search of new lands. From the political standpoint, the right of indefinite expansion was quite as important. In the lower house of Congress, where representation is based on population, the North, through immigration and the industrial revolution, had, early in the nineteenth century, obtained permanent control. In the Senate, however, where each state is represented by two votes, the Northern and Southern states were for many years equally balanced, and the preservation of this balance became a matter of great importance to the South as a protection against sectional legislation. Southern equality in the Senate was maintained by the action of the South in blocking the admission of a new state in free territory unless at the same time a new state were carved out of slave territory.

Northwestern Ordinance (1787); Missouri Compromise (1820); Admission of Texas (1845)

The struggle between the advocates and the opponents of slavery was long and at times bitter. The



first legislation affecting the status of slavery in the West was the Northwestern Ordinance of 1787, which excluded slavery from the soil north of the Ohio River and east of the Mississippi. There was practically no opposition from any quarter to this Ordinance, but a serious sectional conflict came with the question of admitting Missouri. In 1819 there were eleven free and eleven slave states. Missouri desired to enter as a slave state. The North was unwilling to disturb this balance so as to give the South control over the Senate, and besides was strongly disinclined to see slavery cross the Mississippi River. The question was finally compromised by the creation of a new state, Maine, within the borders of Massachusetts and admitting it as a free state, by admitting Missouri as a slave state, and by a provision that no more slave states should be created in the Louisiana Purchase north of the southern boundary of Missouri. This arrangement was a decided victory for the cause of free labor, for only a few states could be made from that part of the Louisiana Purchase which lay south of Missouri.

The sectional balance was restored by the admission of Texas as a slave state in 1845. The Texas question was the leading issue in the presidential campaign of 1844. New England and the North generally fought the admission of this immense state, feeling that the slaveholding interest would thereby receive too great an accession of strength. But the

Democratic Party was successful, Polk was elected, and Texas admitted the next year.

### Compromise of 1850

In 1846 a war broke out with Mexico over a dispute as to the boundary between Texas and Mexico. The United States not only carried her point as to the boundary, but took occasion to seize the Mexican provinces of California and New Mexico, paying for them \$15,000,000. Of course, the slavery question had to be dealt with anew. So strained had the feeling between the sections now become that war might have resulted. Senator Clay came forward with the last of his compromise measures. While the matter of slavery in the new territory was being discussed, gold was discovered in California, the territory filled rapidly, and applied for admission as a free state. Clay's compromise admitted California with a constitution prohibiting slavery, organized the remainder of the Mexican cession into the Territories of Utah and New Mexico, with nothing said as to slavery, and enacted a rigid law to compel the North to return to the South runaway slaves.

The principle applied to Utah and New Mexico was a new one. Theretofore Congress had determined whether a given territory should be free or slave; but now the people who might move to Utah and New Mexico were to be given the privilege of settling this important matter for themselves. This



HOWELL COBB.

*From an engraving lent by Mr. A. B. Caldwell.*

was known as “popular sovereignty” or “squatter sovereignty.” To the nation at large Clay’s Compromise seemed the best practical solution of

the quarrel, and most of the prominent statesmen favored it, among others Calhoun and Webster; and in Georgia, Howell Cobb<sup>1</sup>, Robert Toombs and Alexander H. Stephens. These three men were at that time representatives from Georgia in Congress, Cobb being the Speaker of the House.

### Clay's Compromise in Georgia

Georgians were at first inclined to oppose the Compromise on the ground that it was unfair to the South. A convention was called by Governor Towns in 1850 to discuss the subject. The situation was critical: radical action on the part of Georgia would have gone far to inflame the entire South, as the

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<sup>1</sup> Howell Cobb was born in Jefferson County, Georgia, in 1815. Nine years after graduation from the University of Georgia, he entered Congress in 1843, retaining his seat until 1851. Though only twenty-eight years of age, Mr. Cobb in a short time became distinguished in Congress for his familiarity with the rules and his skill in debate. He was before long the recognized leader of the Southern Party, and was elevated to the Speakership in 1849. On the expiration of his term as Governor, 1851 to 1853, Cobb returned to Congress. He was an adherent of Buchanan, stumped the North in his interest in 1855, and on Buchanan's election, became Secretary of the Treasury. This post he resigned on the eve of the Civil War. Throughout the stormy days of secession, Howell Cobb was a man on whom the attention of the nation was fixed. His powerful influence counted heavily in the decision of the South to secede from the Union. After four years of service as a Major-General in the Confederate Armies, Cobb spent the remaining three years of his life in fighting the reconstruction policy of Congress. He died suddenly in 1868, while on a visit to New York.

position of Georgia statesmen was at that time a commanding one. Toombs, Stephens and Cobb, though strong "state rights" men, thought the Compromise the best that could be obtained in the way of a settlement of the controversy, and, in their desire to stem the tide setting towards war, took the stump in Georgia with the view of creating public sentiment for the measure. The result was a happy one. The convention which had been summoned for the purpose of protesting against the Compromise, turned out to have a majority of Union men as delegates. Instead of doing anything that might have widened the growing breach between the sections, the convention adopted the "Georgia Platform," which declared for the Compromise, but stated that that measure was as far as the people of Georgia would go. It has been the opinion of historians that this action of Georgia probably deferred civil war for ten years. Under the leadership of our state, public opinion throughout the South set in an opposite direction, and the sentiment in favor of secession was for a time quieted.

### **Howell Cobb Elected Governor**

The gubernatorial campaign of the following year was fought over the Compromise. The advocates of the measure, principally members of the Whig Party, organized a new party called the Constitutional Union Party. Howell Cobb announced for



governor as their candidate. The opponents of the measure also organized a new party, known as the Southern Rights Party. Of this organization, Charles J. McDonald was the candidate. McDonald had already twice been governor of Georgia, having been elected as the candidate of the Union Party. It is significant of the changes that were coming that this eminent man should now run a third time, but on totally different principles. Cobb was elected by the great majority of 18,000 votes, a remarkable indication of the sentiment for peace in the state.

### **Kansas-Nebraska Bill**

The peace secured by Clay's Compromise of 1850 was short-lived. Calhoun died in 1850, Clay and Webster in 1852. New men were assuming the leadership; they were tired of the compromises of the past and longed to see the momentous slavery issue settled forever. The fugitive slave law prevented good feeling between the sections; agitation against slavery was daily increasing. The last struggle between the sections over the West came in 1854, when Senator Douglas, a Northern Democrat, introduced a bill in the Senate providing for the organization of the Territory of Nebraska. Reference to the map will show that the whole of this vast territory lay north of the southern line of Missouri, and, therefore, under the terms of the Missouri Compromise was closed to slavery. But

Douglas' bill provided that any state or states organized in this territory should exercise their own choice as to slavery; that is to say, he desired to apply to this territory the principle of squatter sovereignty. Indeed, he claimed that the Compromise of 1850 had repealed the Missouri Compromise. A substitute bill was brought in, creating two territories, Kansas and Nebraska, and expressly repealing the Missouri Compromise. This bill passed both Houses, Southerners voting for a bill which gave them more than they had ever dreamed of asking, and the Northern Democrats blindly following Douglas. Since under the terms of this bill the people of the two territories were to settle the slavery question, North and South vied with each other in sending out immigrants to Kansas, so as to obtain the majority. A little civil war broke out between the Northern and Southern settlers.

### Dred Scott Decision (1858)

A famous decision of the United States Supreme Court in 1858 still further favored the Southern contention in the matter of slavery. In deciding whether the slave, Dred Scott, should be given his liberty on the ground that his master had taken him into free territory, though afterward returning to a slave state, Chief Justice Taney, after rendering the Court's decision against the negro, went on to express the opinion that slaves were property and as such

were entitled to all the protection given by the Constitution to any sort of property. This decision threw open all the western territory to slavery, and sustained what had been the opinion of Southern statesmen for half a century.

### Decline of the Whig Party

In 1850 the Whig Party was strong, both North and South, but after that time the party rapidly broke up. The Northern and Southern wings of the party were estranged by the slavery issue. Southern Whigs began to desert the party and enter the Democratic organization, which had become the stronghold of Southern rights men. Without the aid of the South, the Whig Party could do nothing. The Kansas-Nebraska Bill hastened this movement to the Democratic Party in the South. In 1854 Toombs and Stephens, with a large following, went over to the Democrats.

### The Republican Party, 1856

Meanwhile in the North also the slavery conflict was breaking up the old party alignments. While the South was becoming solidly Democratic, in the North a new organization, called the Republican Party, sprang into existence in 1856. The Republicans were openly hostile to Southern interests, especially slavery. Whigs constituted the leading element in this organization. In its first national convention to nominate a candidate for the presi-

dency, the Republicans declared that neither Congress, any Territorial Legislature, nor any other power had authority "to give legal existence to slavery in any Territory while the present Constitution shall be maintained." A clean cut issue was made when the Democratic Party in their convention took their stand on the principle of absolute non-intervention on the part of Congress. The Democrats won the election, but the Republicans polled a heavy vote, carrying nearly all of the Northern states. The North had finally united on the issue of slavery. In the four years before the next presidential contest, the new organization gained strength rapidly. The Dred Scott decision, the continued trouble in Kansas, the attempt of John Brown to raise a slave insurrection in Virginia, and the fugitive slave law, all helped to increase sectional feeling.

### Summary

At the time of the adoption of the Constitution, it was left to the individual state to decide whether or not it would allow slavery. It was not long, however, before difference of opinion arose as to what should be the policy of the country in regard to slavery in the unorganized territory of the United States. Opponents of slavery maintained that as Congress had the right to make laws and regulations governing the territories, to prescribe their form of

territorial government, and the power to admit such territories as states or to refuse so to admit them, it necessarily followed that Congress had the power to legislate on the slavery question. Those who desired the extension of slavery declared that the Constitution guaranteed the protection of property, that slaves were property and that it would be an unfair discrimination against the South's peculiar form of property to prevent a Southerner from migrating to the West and taking his slaves with him. As a matter of fact, however, Congress did decide the slavery question a number of times; for instance, in 1820, when the Missouri Compromise was enacted. In 1850, however, Congress changed its time-honored policy and decided to leave the determining of the slavery question to the inhabitants of the territories; and in 1858 the Supreme Court denied that Congress had any control whatever over the territories in this respect. The fight over the extension of slavery gradually broke up the old party alignments, and by the time of the Civil War most of the Northern people had entered the Republican Party, while the majority of Southerners had become Democrats, the main point of difference between them being the question of Congressional control over slavery in the territories.

*Additional Reading.*

Sketches of Toombs, Cobb, Stephens, Nisbet: Northen, W. J., *Men of Mark in Georgia*, III. John Brown's Raid: Evans, L. B., *Essential Facts of American History*, pp. 358-359.

## CHAPTER XX

### SECESSION

#### Rift in the Democratic Party

While the Republican Party was solid and united in 1860, the Democrats in their convention at Charleston, S. C., were unable to agree on principles or candidates. The Southern members tried to force the convention to stand by the Dred Scott decision, according to which Congress was obliged to give protection to slave property in the territories. The majority of the delegates were Northern or Douglas Democrats and they would go further than to assert the doctrine of squatter sovereignty, namely, that the majority of the settlers in a territory should decide the slavery question. Unable to secure favorable action, the Southern members withdrew. Both the regular convention and the "bolters" put out a ticket, the Northern wing nominating Stephen A. Douglas of Illinois for the presidency and Herschel V. Johnson, of Georgia, for vice-president. The Southern wing of the party nominated for president, Senator John C. Breckinridge, of Kentucky, vice-president during Buchanan's administration, and Joseph Lane, of Oregon, for vice-president.

The break in the Democratic ranks marked the fall of the last national organization. Slavery had split all the church organizations, had killed the Whig Party and the American or Know-Nothing Party, and now the Democrats had finally drifted on the rocks. A third party known as the "Constitutional Union Party," whose principle was to oppose radical action on either side of the controversy, also put out a ticket, and the division in the Democratic ranks assured the election of Abraham Lincoln, the Republican nominee, though the combined opposition vote outnumbered his by almost a million.

### Secession Follows Lincoln's Election

In the eyes of Southerners, Lincoln's election meant that the government of the country would be in the hands of men determined not to give them equal rights under the Constitution. This was the first time in the history of the Union that a section as such had elected a president on a programme of open enmity to another section. The South believed that her interests and rights would receive no consideration whatever from the Republicans. President Lincoln assured Alexander H. Stephens in a letter that the Republican Party had no idea of interfering with slavery in the states. Stephens replied that the disquietude of the South did not arise from fear that slavery in the states would be attacked; but from the fact that the triumphant Republican Party had as

its central idea the denial to Southerners of equal rights in the settlement of the West. He said: "The leading object seems to be simply, and wantonly, if you please, to put the institutions of nearly half the states under the ban of public opinion and national condemnation."<sup>1</sup>

### Secession Not a Southern Invention

In the early days of the Union, the right of secession, or voluntary and peaceful withdrawal from the Union, was generally recognized. The original thirteen states had voluntarily entered into the Union. There was no compulsion in the matter: a state's right to remain outside of the Union had been conceded. It was just as freely admitted that a state could withdraw, if she felt that the Union brought her more disadvantage than benefit. In 1814 the New England States sent delegates to Hartford to discuss the advisability of seceding on account of their opposition to the War of 1812, which was crippling New England's commerce. In 1843, John Quincy Adams, a former president of the United States, had stated that in his opinion the admission of Texas would fully justify disunion; and again in 1845, William Lloyd Garrison, the abolitionist, had suggested that Massachusetts lead a secession movement. Secession was not, therefore, a southern invention.

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<sup>1</sup> Stephens, A. H., *War Between the States*, II, p. 266.



## Northern Opinion Changes: Southern Opinion Remains Fixed

Why, then, was the North willing to go to war in 1860 in order to preserve the Union? It is not difficult to find an answer.

Since the formation of the Union twenty new states had been added. The new states of the North and West had been peopled by immigrants from Europe, who poured into this country by thousands after 1842. The years 1846 and 1847 had been famine years in Ireland, while in 1848 many European countries were involved in political revolutions. From 1849 to 1860 immigrants came in at the rate of 300,000 per annum. These men fled to escape famine or despotism; they came to a land of Canaan, where political equality was tendered every man, where his children might receive an education, and where religious liberty was a matter of course. They came not to any individual state; indeed, the very names of the states were doubtless unknown to them; but they came to the Union, and naturally were ready to fight for the Union in 1861. The new states of the Southwest, however, had been peopled by planters moving westward with their slaves. No part of the immigration from Europe reached the South, since the foreigners were unwilling to go to a section where labor was said to be degraded by slavery. The new states of the North and West were much more populous and wealthy than the new states

of the South. The main strength of the Union during the Civil War came from the West. The immense foreign population of the West knew nothing of the great constitutional argument over secession, while the planters in going to the Southwest had carried with them not only their slaves, but the political ideals of the fathers of the Republic.

The other factor in the growth of nationalism in the North was the development of railroads and the spread of manufacturing. These agencies reduced distances, brought the people of widely separated states into closer contact, and promoted community of interests. The South, largely cut off from all these movements, very naturally retained the political views of the framers of the Constitution; and while in their view secession was an incontestable right under the Constitution, the mass of voters in the North had grown away from the idea.

### Not a War Against Slavery

The Civil War was not a war primarily for the preservation or destruction of slavery. Woodrow Wilson says, "Had the war been short and immediately decisive for the Union, the federal power would not have touched slavery in the states."<sup>1</sup> The emancipation of the slaves in 1863 was a war measure, pure and simple, without legality, and intended

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<sup>1</sup> Wilson, Woodrow, *Division and Reunion*, p. 226 (in *Epochs of American History*).

to stimulate the Northern forces. The slow progress of the war, conscription of soldiers and the rioting it occasioned, and the interruption of commerce, had caused opposition in the North to the war. The zeal of the North was flagging. Lincoln emancipated the slaves with the idea of instilling new purpose into the hearts of his soldiers. He also intended to put the South on the wrong side of a moral question, that is to say, to make the war a moral rather than a political struggle, and thus deprive the South of the sympathy and possible assistance of foreign powers. Of course, slavery was at the bottom of this instance of the assertion of the right to secede, and to that extent was the cause of the war; but any other sectional conflict might have brought secession.

### **The 1860 Election in Georgia**

In the presidential contest of 1860 the mass of Georgia ballots were cast for Breckinridge and Lane, representing the extreme Southern views. Some of our strongest men supported Douglas, others, Bell. A. H. Stephens, E. A. Nisbet and Hiram Warner were Douglas men, while Benjamin H. Hill was the most important supporter of Bell and Everett, on the Constitutional Union ticket. The result of the election showed 51,893 votes for Breckinridge and Lane; 42,855 for Bell and Everett, while Douglas and Johnson were a bad third with 11,580. These numbers may be taken as an indication of the

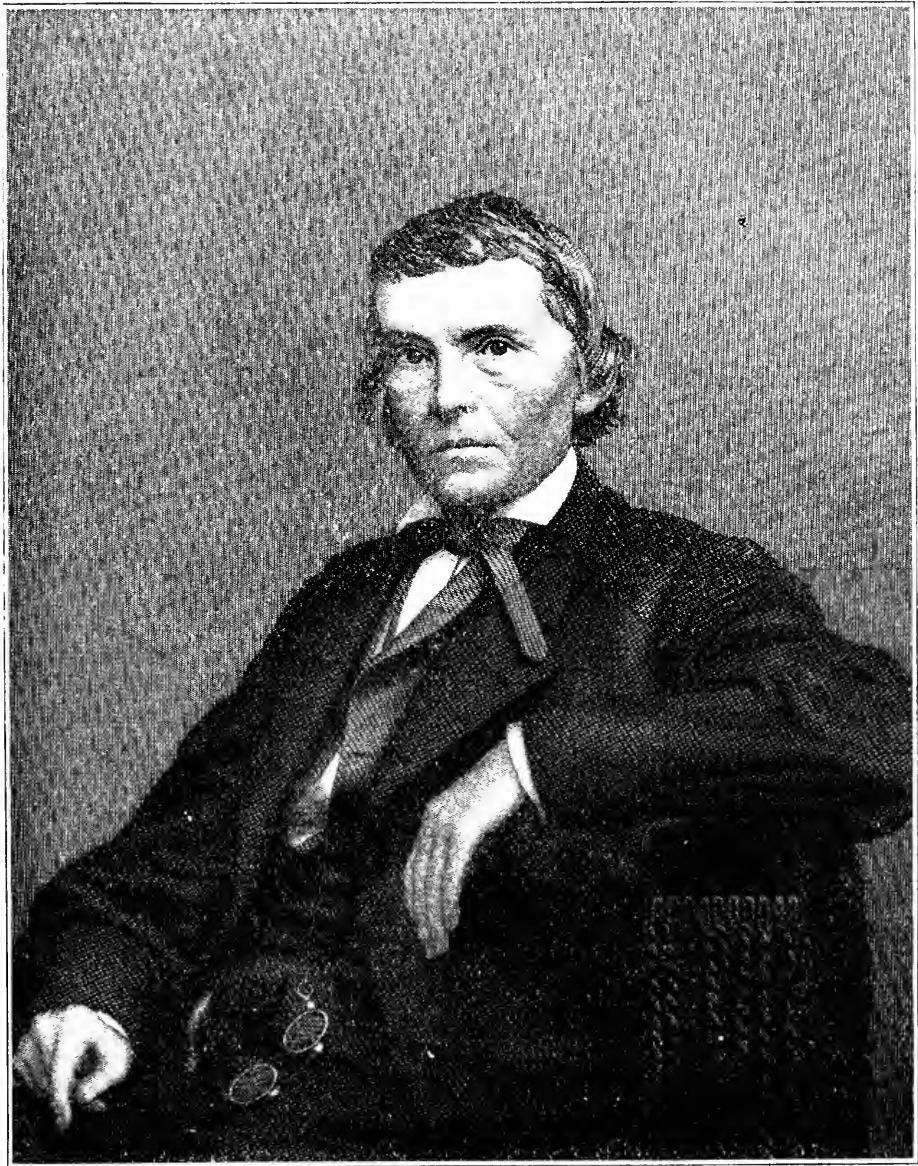
strength of the union sentiment in the state as opposed to the secession feeling. The pronounced southern rights men voted for Breckinridge and Lane; the moderates for Bell and Everett or Douglas.

### Stephens and the Union Cause

Though the election of Lincoln increased the agitation for secession, there was a strong element in Georgia against disruption. A number of counties sent to the legislature resolutions against disunion. Such powerful leaders as Stephens,<sup>1</sup> Hill, H. V.

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<sup>1</sup> *Alexander Hamilton Stephens* ranks among the leading statesmen of the ante-bellum period. Feeble in body, unfitted for the hardships of the camp, his fame was largely won on the floor of Congress and in the realm of constitutional history. His two-volume work called "The War Between the States" has been pronounced the most authoritative exposition of the Southern side of the causes which produced the great struggle. Stephens was born in Taliaferro County in 1812. He was very poor and obtained his education at the University of Georgia with the assistance of a church society. He was graduated with first honors in 1832. His first political activity was in opposition to Nullification, as tending to disrupt the Union. Stephens's first speech in the Legislature of Georgia secured the passage of the bill for the establishment of the Western & Atlantic Railroad. Entering Congress in 1843, when the agitation over the extension of slavery was at its height, Stephens came into prominence for his advocacy of measures which seemed to him to promote the cause of the Union. With Cobb and Toombs, he threw the weight of Georgia in favor of Clay's compromise. He defended the principle of squatter sovereignty. Though opposed to the War, when the die was cast, he followed his State and became a leader in the councils of the new government. After the War, Stephens was elected Professor of Political Science



ALEXANDER HAMILTON STEPHENS.

*From an engraving lent by Mr. A. B. Caldwell.*

Johnson, and Dr. Lovick Pierce opposed secession. Stephens made the most notable effort of his life in his speech before the Georgia legislature on November 14, 1860.<sup>1</sup> His argument represents the viewpoint of Southern unionists more clearly than any other utterance of the time. In brief, he said: The constitutional election of no man to the office of president is a sufficient excuse for secession. We are pledged to maintain the Constitution, and to withdraw for such a reason would put us in the wrong. It has been said that President Lincoln's principles and policy are against the Constitution, and that if he carries them into execution it will be destructive of our rights. We must wait, however, and see what he will do, and not anticipate his actions. Speaking for myself, said Stephens, I do not expect Lincoln to do anything hostile to the South. There are many checks to prevent his acting in an arbitrary and unconstitutional manner. In the House there will be a majority of thirty against Lincoln, in the Senate a majority of four. Lincoln's election, then, is practically a bugbear, so far as injuring the South is concerned. When it becomes definitely clear that the honor and equality of Georgia cannot be maintained

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and History at the University of Georgia, but declined on account of ill health. On the recovery of his strength, he again entered Congress, in 1874, remaining until 1882. He was then made Governor of the State and died while in office.

<sup>1</sup> Stephens, *War Between the States*, II, pp. 279-300.



ROBERT TOOMBS.

*From an engraving lent by Mr. A. B. Caldwell.*

in the Union, then I am ready to withdraw. Stephens suggested that a convention be summoned in Georgia to decide the question of secession.

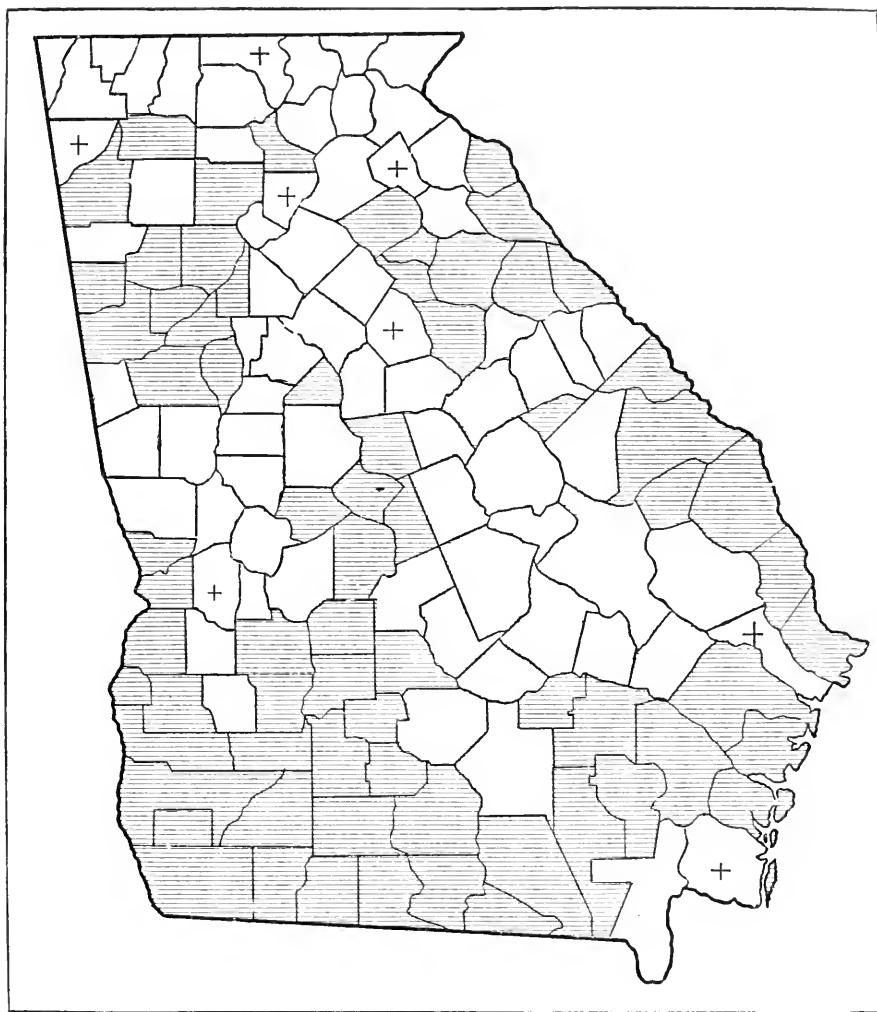
### **Secession Convention, 1861**

In accordance with Stephens's suggestion, a call was issued for the election of members to a State Convention. Of the Secessionists, Robert Toombs<sup>1</sup> wielded the most powerful influence in the South at

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<sup>1</sup>*Robert Toombs*, in some ways the most striking figure in Georgia in the ante-bellum period, was born in Wilkes County, Georgia, in 1810. He died at the age of seventy-five at his home in Washington. He was a student, but not a graduate, of the University of Georgia. After preparation for the law at the University of Virginia, he was admitted at twenty to the bar by a special act of the Legislature. Toombs entered Congress in 1844 as a Whig. His first speech compelled his recognition as one of the best debaters of that body. Laying aside for the time his extreme state rights convictions, Toombs advocated Clay's Compromise of 1850 and contributed as much as any other single person to its adoption by the people of the South. Toombs was made United States Senator in 1853 and held the position until the War necessitated the withdrawal of all Southerners from Congress. He was a man of commanding personality and appearance, a born leader of men, an uncompromising fighter for what he believed to be right. During the War, Toombs held a Commission as Brigadier-General. He fled to Cuba, England and France at the end of the War, but returned in 1867. Never becoming reconciled to the result of the War, he declined to take the oath of allegiance to the United States, and died without having regained his political rights. He was a member of the Constitutional Convention of 1877, which made the Constitution which is still in force in Georgia, and in the Convention obtained the passage of a resolution which resulted in the establishment of the Railroad Commission.





VOTES OF DELEGATES IN THE SECESSION CONVENTION, TRACED TO THE COUNTIES WHICH THEY REPRESENTED. SHADED COUNTIES FOR SECESSION; WHITE, AGAINST; THOSE MARKED + DIVIDED THEIR VOTE.

*Adapted from Phillips, U. B., "Georgia and State Rights."*

large. The other notable advocates of disunion were Howell Cobb, Thomas R. R. Cobb, Governor Joseph E. Brown, Francis S. Bartow and Eugenius

A. Nisbet. The total vote cast in the election for delegates to this convention was 87,366. Of this number 50,243 were for secession; 37,123 against secession. A map of the vote shows that the bulk of the secession delegates came from the larger towns and sections where planter influence was predominant, and that the mountaineers and independent farmer element voted for the Union. The vote in the counties surrounding the residence county of individual leaders reflected the sentiment of the leaders, whether unionist or secessionist.

The convention included in its membership practically the whole of the sound and intelligent leadership of Georgia. Judge Nisbet introduced the resolution in favor of secession on January 18, 1861. Stephens and Johnson offered a substitute, proposing an ordinance inviting the Southern States to a convention; announcing the intention of Georgia to leave the Union, unless the Northern States would repeal statutes intended to nullify the fugitive slave law; and stating that Georgia would make common cause with the states that had already seceded, should an attempt be made to coerce them. The object of this substitute was to see whether the majority of the delegates were in favor of immediate secession or of temporizing. Nisbet's resolution was carried by a vote of 166 to 130.<sup>1</sup> On the following day the Seces-

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<sup>1</sup> Phillips, U. B., *Georgia and State Rights*, Chap. VIII.

sion Ordinance was presented and passed by a vote of 208 to 89, many opponents of immediate secession casting their votes for the Ordinance, since it was certain to be carried. The disagreement among the delegates was not due to divergent opinions as to the right of secession, but rather as to the advisability of immediate action.

### Thomas R. R. Cobb and Secession

Probably the most powerful argument made before the people of Georgia and the convention in favor of immediate secession was that of Thomas R. R. Cobb:<sup>1</sup> "We can make better terms out of the Union than in it." In *The War Between the States*, Stephens expressed the opinion that at least two-thirds of the men who voted for the Ordinance of Secession did so not with any idea of war, but because they hoped to reestablish the Union on a sounder basis and believed this object could be best effected by

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<sup>1</sup> *Thomas R. R. Cobb*, the young brother of General Howell Cobb, was born in Jefferson County in 1823, and was killed at the battle of Fredericksburg, in Virginia, in 1862. He was graduated with first honors from the University of Georgia in 1841. Though a man of remarkable mental gifts, Cobb did not enter public life until the secession movement began in 1860. He was a lawyer by profession and devoted himself to active practice and to studies in connection with the law. His *Digest of Georgia Laws* was an able work, while the *Civil Code of Georgia*, of 1861, of which he was the principal compiler, was one of the first works of the kind ever issued. He also wrote a *History of Slavery*. But for Mr. Cobb's earnest advocacy, it may well be questioned whether Georgia would have seceded from the Union in 1861.

withdrawing from the Union and treating in the capacity of sovereign communities with the Northern states.

### Montgomery Convention of the Seceded States

As soon as the ordinance had passed, all Georgians united in support of secession. A convention of delegates from the seceding states met in Montgomery in February, 1861. Georgia sent ten delegates, among them Stephens, Toombs, Howell and T. R. Cobb, Bartow, Nisbet, and Hill. Stephens said that though he had been a member of sixteen Congresses, he had never been associated with an abler body of men. "They were not such men as revolutions or civil commotions usually bring to the surface. They were men of substance, as well as of solid character, men of education, of reading, of refinement, and well versed in the principles of government."

### Georgians in the Confederate Convention

Howell Cobb was made presiding officer of the convention. The election of a president of the Confederacy was a delicate matter. It was generally expected that a Georgian would receive this honor and Robert Toombs seemed to be the logical man; but he declined to allow his name to go before the convention. The Georgia delegation then thought of proposing Howell Cobb, but it became known

that delegates from two or three states had expressed themselves adversely to him, on account of old party animosities. It was necessary to select a man who would be able to command the support of all elements, and Jefferson Davis was chosen as being a conservative man without political enmities of the sort that Howell Cobb had incurred. Stephens was made vice-president. Robert Toombs became the first secretary of state, but resigned in a few months to enter active service as a brigadier-general. Another Georgian, Thomas R. R. Cobb, was appointed on the committee to draft the Constitution of the Confederacy, and the document was written by his hand.

### Summary

The American people had been accustomed throughout the history of the Union to threats of secession. Secession was not by any means a Southern invention. It became apparent in 1860 that it was impossible for the two sections of the country to continue their quarrels indefinitely. The election of Lincoln was the signal for secession. Georgia was reluctant to withdraw from the Union; a large minority of the convention were in favor of some less drastic action. Alexander H. Stephens was the leader of the element opposed to immediate secession. He thought the South should wait for some act of hostility on the part of the Republican Party

and not anticipate trouble. As soon as the states of the lower South had withdrawn from the Union, representatives of the seceding states met in Montgomery to create a new Confederacy. Georgians took a prominent part in the work of this convention, its president being Howell Cobb of Georgia.

*Additional Reading:*

Why Georgia withdrew from the Union: Smith, C. H., *History of Georgia*, Chapter XXXV.

Slavery and Secession: Harris, J. C., *Stories of Georgia*, pp. 251-258.

Sketches of Stephens, Toombs, Cobb, Nisbet, and others: Northen, W. J., *Men of Mark*, Vol. III.

## CHAPTER XXI.

### A HALF CENTURY OF PROGRESS, 1810-1860

#### Population

The fifty years preceding the Civil War was a time of great progress in Georgia. In those years the Indian frontier disappeared, and the entire region of North and Middle Georgia was settled. The population of the state increased from 252,433 in 1810 to 1,057,286 in 1860. Negroes were 44 per cent of the total population at the latter date. Most of the negroes were in the possession of the planters of the Black Belt and the coast. Non-slaveholders were not numerous in the Black Belt, as conditions were against them in that section. They lived principally in the great region north of the Belt. The mountainous regions of the extreme north and the pine barrens of South Georgia were very sparsely settled.

#### Agriculture

In 1810 Georgia was a state of small farmers, except on the seacoast, where rice growing, being the principal industry, large plantations were to be found. During the succeeding fifty years cotton plant-

ing became the leading industry. The total number of farms in 1860 was 62,003; the average size of the farms was 430 acres. As there were only 3,594 farms containing more than 500 acres, it is clear that there was a small number of large plantations, and a large number of small farms. This is as we would naturally expect, since the number of slaveholders was small in proportion to the total white population. While cotton planting tended to absorb the attention of the farmers to the exclusion of diversified crops, the extent of this evil has been exaggerated. The statistics of 1860 sufficiently disprove the idea that there was no diversification of farming. Of cotton, 701,840 bales were produced in 1860, an increase of 40 per cent over the production of 1850. The Black Belt counties produced 82.87 per cent of all this cotton. Georgia also raised 2,544,913 bushels of wheat; 30,776,293 bushels of corn, besides quantities of dairy products, forage crops and vegetables; while \$10,908,204 worth of animals were slaughtered for food. Georgia ranked next to South Carolina as a rice producing state, raising 52,507,652 pounds in 1860, nearly one-third of all the rice grown in the United States.

### Manufacturing

Georgians were so deeply engrossed in producing cotton in 1860 that little time or money was available for manufacturing enterprises. It was difficult to



set up successful manufactures for two reasons. In the first place, the capital which normally would have been invested in such industries was in Georgia and the South generally used to purchase slaves. And, secondly, even if capital had not been scarce, it was almost out of question to get sufficient labor to man the mills. Negroes could not be used in this work, foreign immigrants did not come to the South, and land was so plentiful that native born whites found it easy to possess a farm and be independent of the mill owners. In spite of these difficulties, cotton and woolen mills and iron works were established in Georgia as early as 1829. Most of them failed on account of the high price of labor. But by 1860 considerable progress in this line had been made. The census of that year credits the state with 33 cotton mills, representing an investment of \$2,126,103; employing 2,813 hands; with an annual product of \$2,371,207—an increase of 69.9 per cent over the returns of 1850. In this branch of industry Georgia ranked first among the Southern states. In the same year Massachusetts, the leading Northern state, had 217 cotton mills, with an annual output of \$38,004,255. Only Virginia surpassed Georgia in the woolen industry in the South. Our state had eleven mills; Massachusetts, 134; Pennsylvania, 270; New York, 140; Virginia, 45.

In addition, there were establishments in Georgia for manufacturing shoes, hats, carriages, wagons,

leather, flour, turpentine and many other articles. Industry was not so completely at a standstill as has sometimes been represented, but more floating capital and the presence of a more abundant labor supply enabled the North to outstrip the South in manufacturing.

### Travel and Transportation Before the Era of Railroads

As soon as the cotton industry began to transform Middle Georgia from a wilderness to a great staple-producing area, the need of better transportation became a pressing problem. The Piedmont region is peculiarly situated. Macon, on its southern edge, is nearly two hundred miles from the coast, and between the Piedmont and the coast lay the vast undeveloped pine barren region of southeast Georgia. The problem was to get cotton to the coast and supplies from the coast to the interior. On the north lay the mountainous section, wholly undeveloped and without transportation facilities of any kind. As has been pointed out, the Piedmont is a hilly country in which the streams are rapid and unnavigable above the fall line. Under these conditions, there was only one solution of the difficulty, namely, the building of market towns at the "heads of navigation," or the points at which the streams leave the hills and commence their long unbroken journey to the sea. Hence the importance of Augusta, Macon and Columbus. At these places mer-

chants established themselves and city life grew up. Rough country roads radiated into the agricultural regions about. In the fall the cotton planters hauled their cotton to the towns, sold it and obtained their supplies.

### River Transportation; Pole Boats

From Augusta and the other similarly located towns regular lines of flatboats were employed in floating the cotton to the coast. Augusta sent her cotton directly to Savannah; from Macon and Milledgeville the cotton went to Darien, and thence to Savannah. These boats carried some five hundred bags of cotton. The return trip was painful toil, as the boats had to be forced slowly upstream by poles. Gangs of slaves were employed in this work, and about ten miles per day was made by a crew of fifteen to twenty men. Augusta was by far the most important of the inland markets, handling the cotton of most of Georgia east of the Oconee River, as well as that of western South Carolina.

### Steamboats

Robert Fulton invented the steamboat in 1807, and within ten years this new form of transportation was in use in Georgia. The first steamer to appear was owned by a Mr. Howard, of Savannah, who began the river service in 1816. The *Savannah Republican*, in April, 1816, contained the following notice

of the opening of steamboat transportation on the Savannah River:

"The Steamboat, Enterprise, with a numerous concourse of citizens on board, started from Howard's wharf yesterday morning at 12 o'clock on a party of pleasure. She moved beautifully through the water, and was certainly an interesting curiosity to those who have not seen steam vessels elsewhere. To behold a large and apparently unwieldy machine, without oars or sails, propelled through the element by an invisible agency at a rate of four miles an hour, is indeed a novel spectacle."

Steamboats, of course, greatly facilitated trade, as they made the trip to Augusta in four or five days and carried 800 to 1,000 bales of cotton, besides passengers. The period of greatest steamboat activity was in the twenties, when ten to fifteen boats were engaged in the Savannah-Augusta trade. The freight rate was  $37\frac{1}{2}$  cents to \$1.00 per bale. The extent of Augusta's cotton business is indicated by the fact that as early as 1830 she had sixteen cotton warehouses. Her cotton receipts in 1825 were 143,633 bales; in 1860 the receipts were much larger, though the exact number of bales is unknown.

Macon was second as an interior cotton market. In 1826 the town received 47,065 bales; in 1860, 102,000. The freight rate to Darien was  $62\frac{1}{2}$  to 75 cents per hundred pounds.

Savannah was the only port of importance. In 1825-1826 she exported 190,578 bales of cotton; in 1860, 314,084 bales.

## Stage Coaches

There was a net work of roads over Georgia early in the nineteenth century, connecting the principal towns. Regular schedules were published in the newspapers. From Augusta to the capital, Milledgeville, a coach ran six days in the week, the fare being \$10.00. A similar charge was made from Milledgeville to Columbus. From Athens to Augusta the trip was made twice a week, at a charge of \$7.00. The duty of keeping up the roads was in the hands of the local county authorities. In the early thirties the state worked a force of two hundred slaves under a superintendent in making and improving roads, but this was discontinued in 1835.

## Railroads

The state was naturally retarded by the primitive methods of travel and transportation, and every one hailed with delight the proof that railroads were practicable. As early as 1831 a convention was held at Eatonton to discuss the feasibility of a railroad in Georgia. From that time on interest was unflagging. The earliest roads in Georgia were the Georgia, the Central of Georgia and the Western and Atlantic.<sup>1</sup>

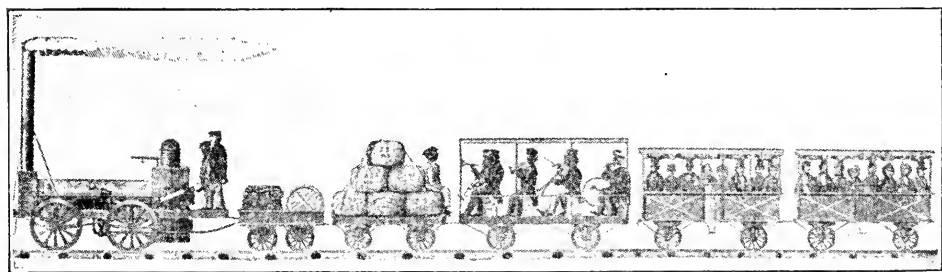
## The Georgia Railroad and Banking Company

The plans which resulted in the building of the Georgia Railroad originated in Athens. The idea

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<sup>1</sup> Phillips, U. B., *History of Transportation in the Eastern Cotton Belt*. Contains history of pre-railroad and railroad eras.

was to connect with the Charleston and Hamburg Railroad, which had been completed in 1833 from Charleston to Augusta. A stock company was organized and a charter obtained in 1833, the capital stock being one and a half millions. Mr. James Camak was the first president. Grading was begun in 1835, and by December, 1837, forty-two miles of



AN EARLY RAILROAD TRAIN.

*From Coman, "Industrial History of the United States."*

rail had been laid. Post coaches were established to cooperate with the road. Passengers would leave Augusta, go as far as the rails extended and then transfer to the four-horse coaches for the remainder of the journey to Athens, Greensboro, Gainesville and other places. The line was completed to Greensboro in 1838 and to Madison and Athens in 1841.

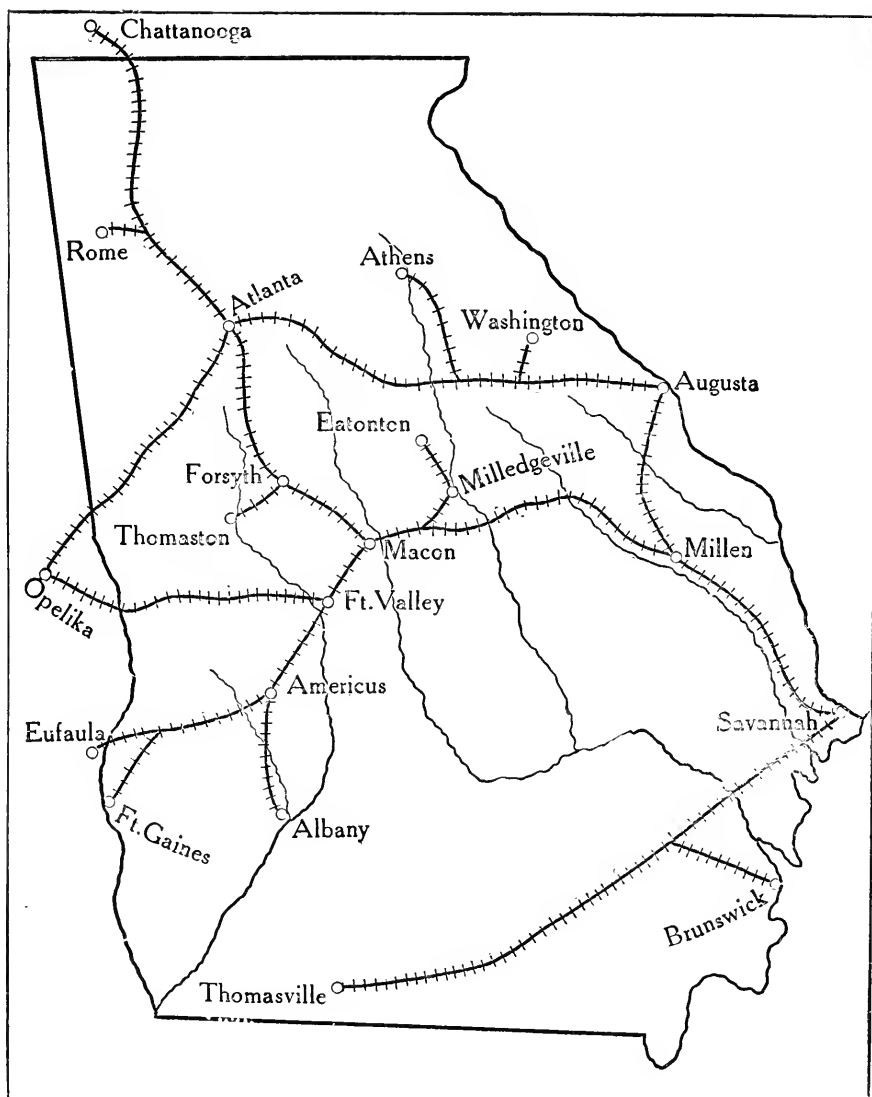
### Central of Georgia Railroad

The Central of Georgia was largely the product of Savannah initiative. Our seaboard city became interested in railroads through fear that the road

from Augusta to Charleston would result in Savannah's losing the Augusta trade. In 1833 a citizens' committee of Savannah, of which John McPherson Berrien was chairman, took up the matter. A charter was obtained in 1833, authorizing the construction of a line to Macon. This road was a tremendous undertaking, as it was necessary to bridge over a great area of infertile and sparsely settled country, from which no revenue could be expected, before the rich piedmont was reached. Delays followed, and in 1836 a new charter was obtained. Mr. W. W. Gordon was the first president. By May, 1838, sixty-seven miles of track had been completed. Macon was reached in 1843. The total cost of the 190 miles of track was \$2,500,000. From Macon branch lines soon ran out to tap the rich agricultural regions of Middle Georgia.

### **The Western and Atlantic**

The Western and Atlantic was built by the state of Georgia and is still a state-owned road. The project had its birth in a scheme to connect Georgia with the great West, as the name implies. The idea was to extend the Central from Macon and the Georgia from Union Point to meet at a point on the Chattahoochee River, the present site of Atlanta, and run the new road thence to Chattanooga on the Tennessee River. In this way it was hoped that Georgia would get part of the traffic of the West,



RAILROADS OF GEORGIA IN 1860.

which at that time had not definitely been turned to Chicago and other northern cities. The work, authorized by a legislative act of 1836, was begun



in 1839 and completed, after many delays, in 1851. This road is 138 miles in length. The extensions of the Georgia and the Central to Atlanta were completed in 1845.

The development of railways in Georgia was very rapid. After these three main lines had been completed, branches soon extended to the principal towns in every direction. The accompanying map shows the railway system of Georgia as it was in 1860.

### **Education. The Academy**

The material development of Georgia in the first half of the nineteenth century was far more rapid than her educational progress. There was no system of general public education in the state prior to the Civil War. A law dating back to Revolutionary times authorized the setting apart of wild lands in every county for the maintenance of academies. More than two hundred of these academies had been established before 1860. In addition, there were a number of private academies. The academy was the counterpart of the modern high school and was supposed to give instruction in the higher branches, especially Latin, Greek and Mathematics. Some of these schools were excellent, but many were very inefficient. They were the constant object of criticism on the part of people interested in the educational welfare of the state.

## Old Field Schools

The elementary schools of the rural districts were known as "Old Field Schools." An eminent Georgian who attended one wrote an interesting description of the institution.<sup>1</sup> We are told that the schoolhouse was usually a one-room log cabin, with a single door, two windows and hard benches for seats. School began early and lasted all day, with two hours in the middle of the day for dinner and sport. Spelling, reading and arithmetic, with a little geography, constituted the course of study. The pupils studied aloud, silence being taken to indicate idleness. Practice in declaiming was regular and the pupils were required to memorize a good deal of such literature as was available. The teachers were usually hopelessly ignorant of anything beyond the rudiments. They are represented as a wandering class of ne'er-do-wells, too lazy and worthless to make a living in any other way, and not commonly remaining in one school longer than a few months. They were petty tyrants, using the rod with great freedom. There was no state board to examine teachers to test their qualifications; they were paid no regular salaries, but depended upon fees paid by the pupils.

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<sup>1</sup> Johnson, Richard Malcolm, *Early Educational Life in Middle Georgia*. Report U. S. Comr. of Education, 1894-5, Vol. 2.

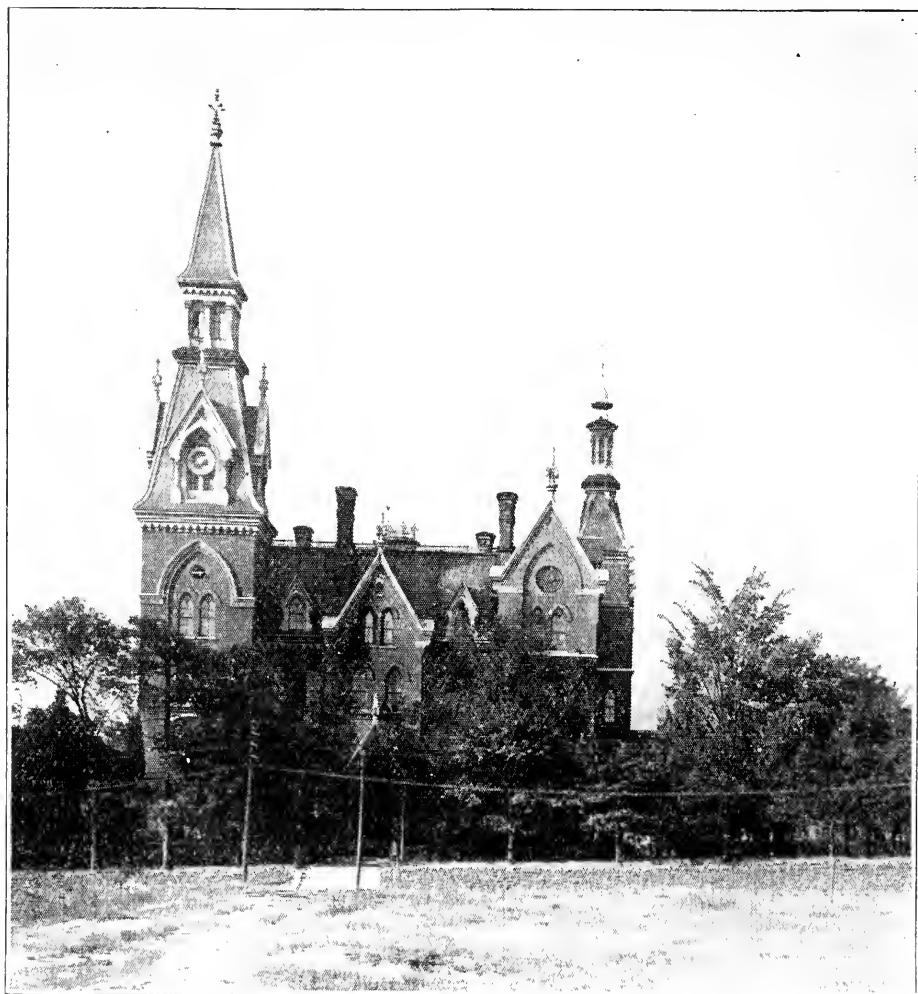
## Poor School Fund

Children whose parents were too poor to pay the tuition might take advantage of a "poor school fund," created by the legislature in 1817. This fund consisted of the interest on \$250,000, which was divided among the counties in proportion to their white population. At a later time, 1843, the county courts were authorized to levy an extra tax to supplement the state fund for educating the children of the poor. It was made the duty of the magistrates to report to the county courts the names of children in their districts who were entitled to the benefit of this fund. The scheme worked badly. Magistrates were lax in keeping proper rolls of those who should have received the fund; not more than three-fourths of the children of the poor ever got on the rolls, and not more than half of those enrolled entered the schools. It was felt to involve disgrace to accept this sort of aid. "The very law subjects every patron of these schools to the jeer of pauperism," said a contemporary writer. Consequently, in 1860, there were in Georgia 16,900 men and 26,784 women of the white race who could neither read nor write.

## Manual Labor Schools

A more hopeful movement was begun in 1833 with the establishment, near Greensboro, of a manual labor school, under the auspices of the Baptists of Georgia, to teach practical agriculture. This school

grew into Mercer University. A similar institution was opened by the Presbyterians, near Athens,



MERCER UNIVERSITY, MAIN BUILDING.

also in 1833, but was removed to Gwinnett County. Two other manual labor schools were established in 1835, one located at Midway, near Milledgeville,

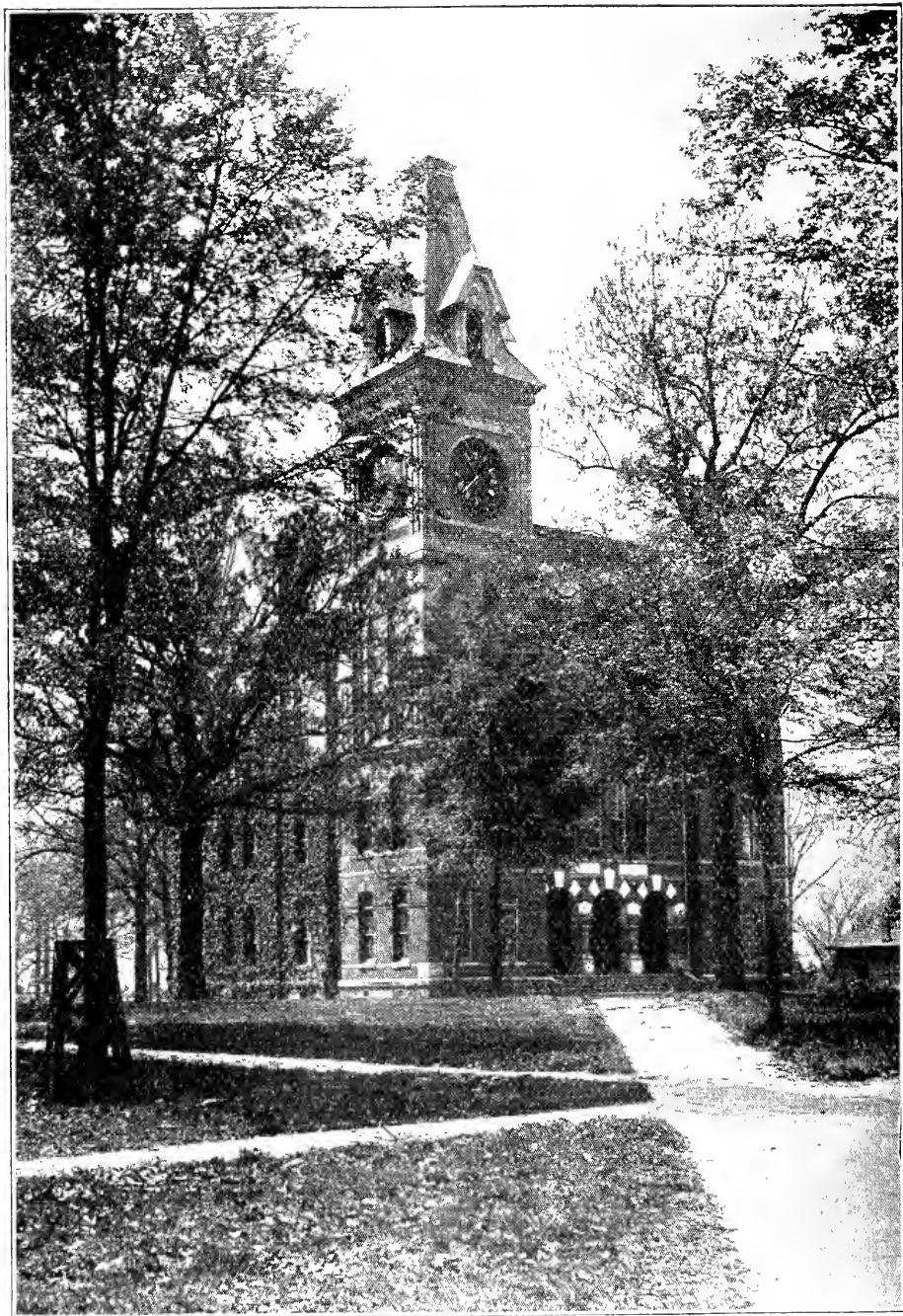
under Presbyterian control; the other at Covington, under Methodist control. The Midway school became Oglethorpe University. The Methodist school grew quickly into a position of some importance. An account of the institution written in 1837 says that when the school opened in 1835 there were thirty students and two teachers, and that in two years the students had increased to 120, including 76 boarders; there were five teachers, and the equipment consisted of 12 student houses, homes for the teachers and other buildings, worth altogether \$14,000. The trustees owned 2,000 acres of land and a considerable amount of livestock. When Emory College was opened in 1838, this school was made a branch of the new college. The manual labor schools flourished in the thirties, but the vocational idea was soon abandoned, and the schools either developed into classical colleges or were discontinued. No contemporary explanation has been found of the failure of this interesting experiment.

### Higher Education

The roll of colleges in Georgia was rather formidable before the war, as is now the case. The oldest of the men's colleges was the University of Georgia, chartered in 1784.<sup>1</sup> Teaching actually commenced in 1801. The Presbyterians in 1838 established Ogle-

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<sup>1</sup> See p. 133 for sketch of Abraham Baldwin, originator of the plan to found the University.



EMORY COLLEGE, SNEY HALL.

thorpe University, near Milledgeville. This institution closed its doors at the outbreak of the war, and was not revived afterward. Emory College dates from 1836, opening in 1838. Mercer's<sup>1</sup> charter is dated 1837, the college opening two years later. For women there were seven or eight colleges, the most important of which was Wesleyan, chartered in 1836, actual teaching beginning in 1839.

### The Supreme Court

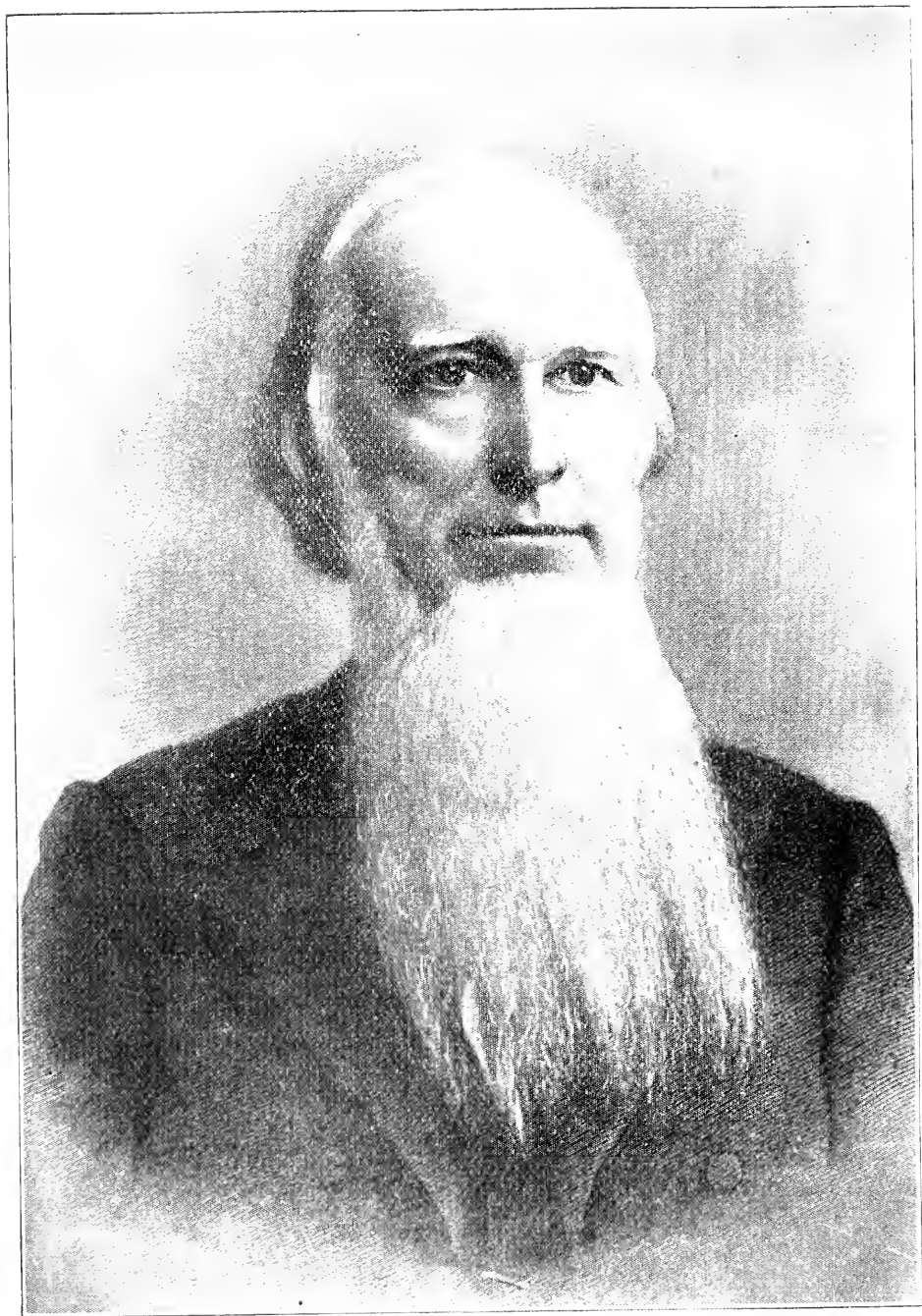
The Supreme Court of Georgia was organized in 1845, with Judge Joseph Henry Lumpkin as chief justice and Eugenius A. Nisbet and Hiram Warner as associates. Judge Lumpkin was a famous lawyer, a graduate of Princeton and founder of the Law School of the University of Georgia.

### Election of 1857

The last election held in Georgia before the commencement of the war was that of 1857. In the Democratic convention a deadlock occurred between the adherents of the several candidates, Henry Lamar, Hiram Warner, John H. Lumpkin, James Gardner and William H. Stiles. A committee was appointed to select a candidate. Passing over the five candidates, the committee chose Joseph E.

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<sup>1</sup> Mercer University was so named in honor of the Reverend Jesse Mercer, a famous Baptist preacher, who gave a large part of the money needed to establish the institution.



JOSEPH EMERSON BROWN.



Brown,<sup>1</sup> a man almost unknown outside of his own section of the state, where he was a Superior Court judge. Benjamin H. Hill, a public man of great experience and a noted orator, was the candidate of the American or Know-Nothing Party. At first Hill's election was conceded, but as the campaign progressed men awoke to the fact that a man of extraordinary capacity had been discovered in Judge Brown. He was elected, and managed the affairs of Georgia during the troublous days of 1860-1866, serving eight consecutive years, probably a record for all time.

### Summary

The fifty years preceding the Civil War was a period of progress in the state. The population increased very rapidly, especially in the cotton planting districts, where negroes outnumbered whites.

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<sup>1</sup> Joseph Emerson Brown (1821-1894) was born in South Carolina, but his family moved to Georgia during the childhood of the future governor. In spite of many difficulties, Brown got several years' schooling, studied law while teaching and was admitted to the bar in 1845. He rose to the judgeship of the Superior Court, and was holding that place when he was nominated for governor. Governor Brown was regarded as one of the ablest of the war governors of the South. After the war he advocated submission to the triumphant North, and, though that was manifestly the wiser course, the governor lost his popularity. When the bitter feeling aroused by reconstruction days had passed, Georgians came to understand the wisdom of Governor Brown's position, and he was restored to the confidence of the people, as was evidenced by his election to the United States Senate.

Georgia produced not only an immense quantity of cotton, but much corn, wheat and other foodstuffs. She was, however, a heavy buyer of grain from the West. In manufacturing, though far behind the industrial states of the North, Georgia had many more cotton mills and other factories than people ordinarily suppose. Before the era of railroads most of the freight transportation was on the rivers. Steamboats came into use during the twenties and after that time there was a rapid development of railroads. Very little attention was given to public education, schools were few in number and poorly equipped, with the result that illiteracy was common. Most of the important colleges of the state were opened in the ante-bellum period, but their development was retarded by the lack of a public school system.

*Additional Reading.*

The Farmer Boy of Gaddistown (Sketch of Joseph E. Brown) : Harris, Joel C., *Stories of Georgia*, pp. 259-271.

## CHAPTER XXII

### GEORGIA IN THE WAR BETWEEN THE STATES

#### The South on the Defensive

The South was on the defensive almost throughout the Civil War. Her advantage in this respect was more than offset by the superior resources of the North in men and wealth. The North grew greater and stronger with every year of the war, but the South drained herself of almost the last dollar to continue the hopeless struggle.

#### General Plan of the War

In the East the Federal armies were directed against Richmond, the capital of the Confederacy. Many notable battles were fought on Virginia soil. These were usually victories for the Southern armies under Lee and Jackson. Among the Georgians who fought in Virginia were James L. Longstreet, who attained the rank of lieutenant-general and participated in the battle of Gettysburg; Brigadier General T. R. R. Cobb, killed at Fredericksburg; Lieutenant General John B. Gordon, who commanded a wing of Lee's army at Appomattox; and Brigadier General

Francis S. Bartow, killed at the first battle of Manassas.

In the West the Federal generals pushed down the valleys of the Ohio and Mississippi Rivers and up the valleys of the Tennessee and Cumberland, driving a great wedge into the heart of the South and dividing her territory into two parts. Federal gunboats coöperated with the armies to take the river towns and forts. It was slow work, because the resistance of the South was heroic at every step. Among the Georgians who achieved high rank in the West were Major General Joseph Wheeler and Major General W. H. T. Walker. General A. R. Lawton was made quartermaster general of the Confederate army in 1863.

### War Reaches Georgia

It was only at the close of the struggle that invasion reached this state. Sherman's march to the sea constituted practically the only movement in Georgia, including in that march the preliminary campaign in northwest Georgia. In 1864 the Confederacy was tottering to its fall. By that time the crisis of the struggle had passed, with the fall of Vicksburg on the Mississippi and the battle of Gettysburg. All the seaports had fallen and the South was shut off from commerce. Her cotton could not be sold, but was being piled up by thousands of bales at the ports. In Georgia the people went back to home manufac-

tured clothes, less cotton and more meat and grain were produced. Coffee, tea and other luxuries were unattainable and such necessities as salt very hard to get.

Sherman conceived the Georgia expedition with the purpose of destroying the military resources still left in the state. As he said, "The utter destruction of its roads, houses and people will cripple their military resources." Sherman entered Georgia in May, 1864, with nearly 100,000 men. He was opposed near Dalton by General Joseph E. Johnston with a force of 50,000. This force later received a re-enforcement of 14,000 men. By flank movements General Sherman compelled Johnston to fall back until he reached the mountains around Marietta. Here Johnston made a stand for twenty-three days of constant fighting, losing 10,000 men, while Sherman's loss amounted to 25,000. Early in July Sherman made another move to cut Johnston off from his base of supplies, and the Confederate commander withdrew towards Atlanta. On July 17th President Davis made the great mistake of superseding Johnston by Hood. General Hood was rash and impetuous. He abandoned Johnston's cautious tactics, repeatedly attacked Sherman's immensely superior forces and was repulsed with heavy losses. Finally compelled to evacuate Atlanta, instead of withdrawing southward, he led his army towards Tennessee, hoping to allure Sherman into following. Sherman,

however, detached a part of his army to take care of Hood and prepared for his long march.

### **Burning of Atlanta**

As soon as Atlanta was taken Sherman issued an order requiring the inhabitants to leave within five days. Hood protested against this order and the mayor and council appealed to him to rescind it, stating that the bulk of the inhabitants were women and children, whose forcible expulsion would entail endless hardship and suffering. To this communication Sherman replied:<sup>1</sup> "I have read it [the petition] carefully, and give full credit to your statements of the distress that will be occasioned, and yet shall not revoke my orders, because they were not designed to meet the humanities of the case." When all preparations for the southward march had been made Sherman set fire to the city. Sherman's conduct on this occasion has been condemned by Northern as well as Southern writers. It has been pointed out that Grant did not find such measures necessary at Vicksburg, Rosecrans at Chattanooga, Burnside at Fredericksburg, nor Butler at New Orleans.

### **The March Begins**

In preparing for the march to the sea Sherman left behind all disabled or ineffective men and made

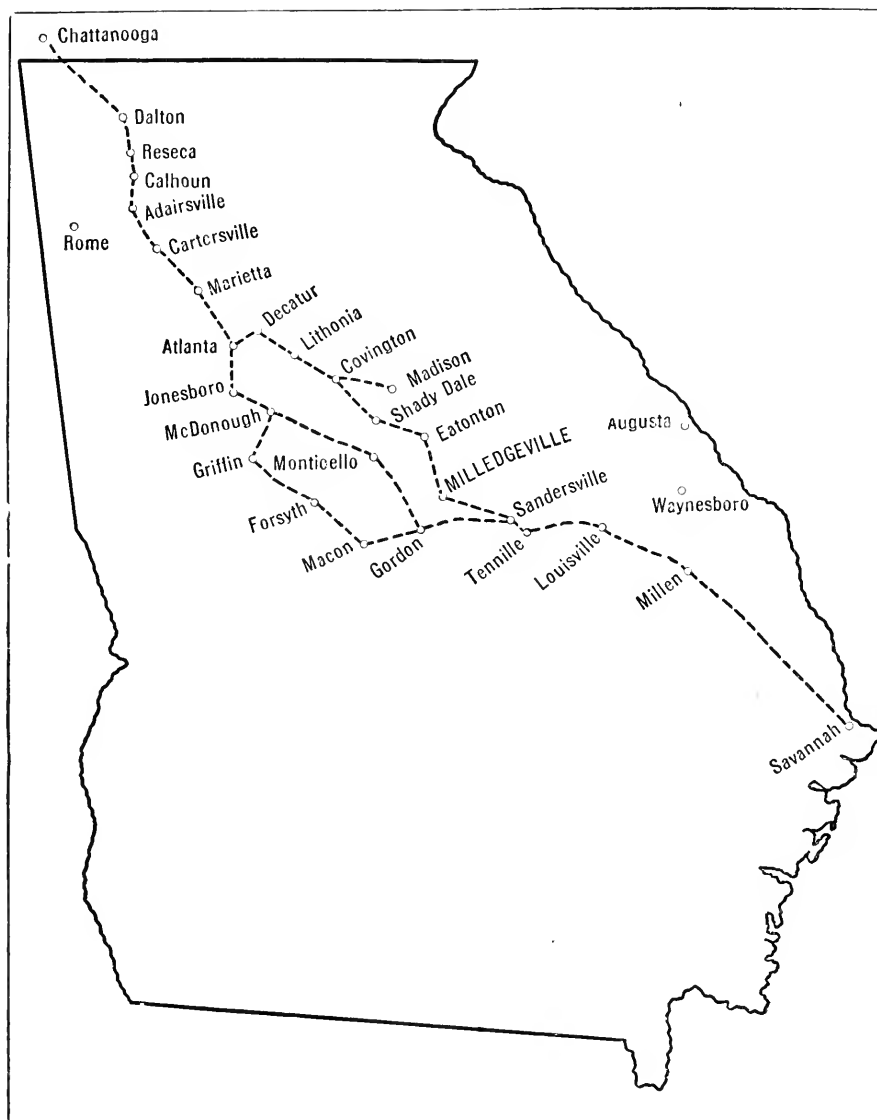
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<sup>1</sup> Sherman, W. T., *Memoirs*, II, p. 125.

up a fine army of 60,000 seasoned veterans, of whom 5,000 were cavalry. The army was to sustain itself on the country. Each brigade had an organized party of foragers, called "bummers." These bummers were authorized to take all necessary provisions, horses and mules, but were ordered not to enter dwellings or commit any trespass. In districts where the army was not opposed, mills, cotton gins and houses were not to be molested; but they were to be destroyed where the march was interrupted. Foraging parties were ordered to refrain from threatening or abusive language, and a portion of goods was to be left to each family. These orders were very badly obeyed, the soldiers apparently being encouraged to believe they were at liberty to do as they pleased, but credit must be given to Sherman for having issued these instructions.

### **Atlanta to Milledgeville**

The first objective point in the march was the capital, Milledgeville. Sherman divided his army into two divisions. The right wing under General O. O. Howard was sent along the railroad via Jonesboro and McDonough, with orders to make a feint on Macon, and stop at Gordon, on the Central of Georgia Railroad. The left wing, under General H. W. Slocum, went via Decatur and Covington to Madison. General Sherman accompanied the left wing. The army spread out, visiting the important



SHERMAN'S MARCH THROUGH GEORGIA.

towns in that section of the state. The movement from Atlanta began on November 15th. By the 23rd Sherman and the left wing reached Milledgeville



and the right wing rested at Gordon. Sherman did not destroy the capital buildings at Milledgeville.

### **Milledgeville to Savannah**

On November 24th the march was resumed. Sherman's army was again spread out, harrying a wide stretch of country and passing through Sandersville, Tennille, Louisville and Millen. Sherman's cavalry under Kilpatrick visited many places through which the army did not pass, such as Waynesboro. Only the general direction of the march is indicated on the map. Many other towns in addition to those shown lay on the route of the army. In the lower section of the state Sherman was opposed by small bodies of infantry under various generals and a very efficient, though small, force of cavalry under General Joseph Wheeler. There were many exciting engagements between Milledgeville and Savannah, the general purpose of the Southern forces being to restrict as far as possible the area ravaged by the Federal foragers and cavalry.

### **The Siege of Savannah**

On December 9th the Federal army reached the vicinity of Savannah. The city was defended by General Hardee with 10,000 men, and was well protected by outworks and forts, by the rice swamps, which had been flooded, and on the side of the sea there were many batteries. Though firing was be-

gun and kept up for a number of days between the Federals and the defenders of the outposts, the city itself was not hurt. After Sherman had succeeded in establishing communication with the Federal gun-boats on the coast and in the mouths of the rivers, Hardee saw that it would be impossible to hold the city, and in order to avoid the destruction of the town by heavy ordinance and to save his army, he withdrew very skillfully across the river into South Carolina on December 21st. On the following day Sherman entered Savannah and sent this telegram to Lincoln: "I beg to present you as a Christmas gift the city of Savannah, with one hundred and fifty guns and plenty of ammunition, also about twenty-five thousand bales of cotton."

Among the commanders who assisted in the defense of Georgia during this invasion may be mentioned Generals P. J. Phillips, Gustavus W. Smith, LaFayette McLaws, Robert Toombs, Howell Cobb, Dick Taylor and A. R. Wright.

### **Sherman's Conduct in Georgia**

Probably no other campaign in the whole war has been so much discussed or has contributed more toward keeping alive sectional feeling. The march was begun in November, after all the crops were gathered. Sherman's "bummers" found the barns bursting with grain, fodder and peas, the outhouses full of cotton, the yards crowded with hogs, chickens

and turkeys. The soldiers in the Southern armies were starving, not because there was no food in the South, but because the means of transportation had been destroyed. Sherman was, of course, justified in foraging on the country, as did Lee in Pennsylvania, but the Federal general, not content with lib-



SHERMAN'S ARMY DESTROYING RAILWAYS IN GEORGIA.

Muzzey, *"American History"* (Ginn & Co.).

erally feeding his troops and simply occupying points of importance, made it his boast that he would "smash things to the sea."

The bummers visited plantations, took everything they could use, looted dwellings of valuables, silver plate and jewelry, killed and left dead in the pens

hogs, poultry and sheep by the thousands. Dwellings were in hundreds of cases destroyed.

In his memoirs Sherman says that his orders on beginning the march "were as well obeyed as any similar orders ever were," and yet in his official report he states that he utterly destroyed \$80,000,000 worth of property that he could not use. He almost totally ruined the Central Railroad from Gordon to Savannah; practically destroyed the Macon and Western, the Augusta and Waynesboro and the Charleston and Savannah. To quote his report:<sup>1</sup>

"We have also consumed the corn and fodder in the region of country thirty miles on either side of a line from Atlanta to Savannah, as also the sweet potatoes, cattle, hogs, sheep and poultry, have carried away more than ten thousand horses and mules, as well as countless numbers of their slaves. I estimate the damage done to the state of Georgia and its military resources at one hundred millions of dollars, at least twenty millions of which have inured to our advantage, and the remainder is simple waste and destruction."

Leaving Georgia, Sherman continued his excursion through South Carolina and into North Carolina, when news of Lee's surrender at Appomattox was received; and in North Carolina, General Joseph E. Johnston, who had been restored to command, surrendered to Sherman.

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<sup>1</sup> Jones, C. C., *Siege of Savannah*, pp. 164-5.

## Georgia's Contribution to Southern Cause

The struggle of the South had been an heroic one against fearful odds. Not only was the North far superior in numbers, but immigration continually added to the population. In wealth, commerce, manufacturing, and general diversification of industry the North was incomparably the greater. Only a fine fighting spirit and skillful generalship enabled the South to maintain the contest as long as she did. There were in Georgia in 1860 about 100,000 white men of voting age. Her contribution of soldiers to the cause exceeded this number by 20,000. Mere boys and old men were sent to the front in the last year or two of the War. It is impossible to estimate the cost of the War because there enter into such a problem losses that cannot be calculated. The slaves were liberated, and while this was ultimately seen as a blessing, for the time being thousands of individuals lost heavily, as their fortunes were invested in slave property. Plantation buildings had fallen into decay; fields had been poorly cultivated; thousands of head of stock had been killed, leaving only the feeblest for farm work. Towns, railroad stations and private residences had been burned, railroads destroyed, and everywhere desolation confronted the eyes of the returning soldier.

The troubles of the state were, however, not over, for a harrowing period of seven years of political turmoil had to be endured after four years of war.

## Summary

The Civil War lasted from April, 1861, to April, 1865, and during practically the entire period the South fought on the defensive. The contest was hopeless against the apparently inexhaustible resources of the North. Immigration and the stimulus given to industry in the North by the war constantly increased the population and wealth of that section; whereas in the South men killed or captured could not be replaced. In time all Southern ports were closed by the national men-of-war and the export of our one source of money, namely, cotton, was rendered impossible. The most remarkable aspect of the war is the fact that it lasted so long; and this can be attributed only to the splendid spirit of the people. As Georgia was one of the most remote of the seceding states, it was necessary that the barrier afforded by the other states be broken before invasion reached us. As nearly all able-bodied Georgians were then out of the State, resistance was futile and the Union army led by Sherman had a practically unopposed march to the sea, which he reached in the winter of 1864. Lee's surrender in the following spring closed the war.

## *Additional Reading.*

"From Chattanooga to Atlanta," Evans, L. B., *History of Georgia*, Chapter LIII. "The March to the Sea," Evans, Chapter LIV, "Georgia in the War," Harris, J. C., *Stories of Georgia*, pp. 272-296.

## CHAPTER XXIII

### RECONSTRUCTION, 1865-1868<sup>1</sup>

#### Status of the Southern States

At the close of the war difference of opinion existed in the North as to how the Southern states should be treated. Had the attempted secession simply failed and left the Southern states in the Union with nothing to do but resume their former position with all its rights and duties? Or were they to be regarded as conquered territories? Should penalties be imposed on the South for her effort to destroy the Federal Union? President Lincoln had never regarded the Confederate States as out of the Union. He consistently refused to recognize their ambassadors as representing a separate government. His view was that certain individuals had aroused rebellion, and that when the insurrection should have been put down, nothing would be necessary except the restoration of the old order, with certain changes wrought by the War. This view was held at the South and by President Johnson, who tried to carry

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<sup>1</sup> Woolley, Edwin C., *The Reconstruction of Georgia* (Columbia University Press). This is the best account of the political reconstruction of Georgia.

out Lincoln's idea. Congress at first shared this opinion, though it later adopted a different policy.

### The Presidential Reconstruction, 1865

Even before hostilities ceased the President began to put into effect his plan of reconstruction. The conditions of readmission, according to his programme, were three, the repeal of the ordinance of secession, the repudiation of the war debt, and the acceptance of the Thirteenth Amendment to the Constitution, which abolished slavery. In order that machinery might be provided for the performance of these acts, it was necessary that government be organized in the Southern states. To this end President Johnson appointed provisional governors, charged with the duty of calling in each state a convention of those who had taken the oath of allegiance to the United States. In Georgia James Johnson, a native of the state, was appointed provisional governor. He summoned a convention to meet in October, 1865, and in the meanwhile Governor Brown and other leading men went about the state, advising the people to submit to the requirements of the President, as the best that could be obtained. A majority of the people followed this advice and sent up able men to the convention. Herschel V. Johnson<sup>1</sup> was elected chair-

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<sup>1</sup> Herschel V. Johnson was born in Burke County, Georgia, in 1812. He was graduated from the University of Georgia in 1834, and after studying law was admitted to the bar, locating in Augusta.





HERSCHEL VESPASIAN JOHNSON.

*From an engraving lent by Mr. A. B. Caldwell.*

man of this convention. The requirements of the President were met and arrangements made for the election of a Governor and legislature. At the election in November Charles J. Jenkins was chosen Governor. The legislature met on December 4th, 1865, and elected Herschel V. Johnson and Alexander H. Stephens as United States Senators. In all the Southern states a similar programme was carried out.

### Legislation to Restrain the Excesses of Freedmen

This peaceful reëntrance into the Union was not, however, destined to be permanent. The North was irritated by the simplicity of the process. The reconstruction had been effected by President Johnson entirely without the aid of Congress, and Congress felt that it should have been consulted. Furthermore, while the Southern states accepted the Thirteenth Amendment, all of them passed laws intended to control the negroes. The conduct of the negroes during the war filled every Southern heart with affection for them. Though the opportunities for idleness, escape and crime were unlimited in the absence of the masters, the overwhelming mass of slaves had

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After having been defeated in a contest for Congress, he was appointed to the United States Senate in 1848. He served two terms as governor, 1853 to 1857, and in 1860, was the vice-presidential candidate on the Douglas ticket. Johnson was a Union man by conviction, but when the state seceded, he accepted a senatorship in the Confederate Congress. He died in 1880.

remained on the estates and made the food that supplied the armies. But the success of the North and emancipation produced a change. The negroes were ignorant and stupid, and did not understand their new freedom. At first they thought it meant permanent release from labor. Great numbers of the ex-slaves abandoned the country and flocked to the towns, where they became an idle, vicious and dangerous element. Labor was disorganized at a time when there was never more need for industry and steady work. The only remedy seemed to be some sort of legislation that, short of forcing the blacks back into slavery, would preserve them and the South from the evils of the transition from servitude to freedom. All the Southern states enacted legislation against vagrancy.<sup>1</sup> Further legislation secured all civil rights to the negro. Marriage between the races was prohibited.

### **Congress Sets Aside the Presidential Reconstruction**

Such legislation as this in Georgia and throughout the South angered the people of the North, who thought the laws were passed in a spirit of oppression. Hence, when Congress met in December, 1865, the Republicans were in sullen mood. They refused to seat Southern Representatives and Senators, and announced their intention to overthrow the Johnson

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<sup>1</sup> See p. 325.

governments and reconstruct the South anew and on a very different plan.

### **The Freedmen's Bureau**

Until Congress could work out its plan of reconstruction it put into operation an institution known as the Freedmen's Bureau, which was charged with the supervision of abandoned and confiscated lands in the South and the control of all matters relating to the negroes. The purpose was to befriend the homeless, helpless and ignorant blacks during the perilous days following the war. Provisions, clothing and fuel were given them; forty acres of abandoned or confiscated lands were ordered to be leased to every black applicant; he was to be protected in the possession of the land for three years, and during, or at the expiration of, that time he might purchase at a fair valuation. It was in this way that negro land ownership in the South began. An amendment to the bill directed the Bureau to establish free schools for the negroes, and the educational activity of the Bureau during its existence was very great. The control over the operations of the Bureau was placed in the hands of petty politicians. They soon lost sight of the original philanthropic purpose of the institution and went into politics. The Freedmen's Bureau became the rallying point for the office-seeking "carpet-bagger" and the idle negro. It became a system of government, far-reaching and

powerful through the support of the bayonet. Instead of doing all it could to bring together whites and blacks, it widened the gap between the races. With the end of reconstruction the Freedmen's Bureau expired by act of Congress in 1872.

### **Congress Overthrows the Johnson Governments. Fourteenth Amendment**

It took Congress two or three months to decide on the plan of reconstruction to be imposed on the South. There was a great deal of difference of opinion in the body, some desiring lenient treatment, others the extreme of severity. The latter element was led by Charles Sumner, of Massachusetts, and Thaddeus Stevens, of Pennsylvania. Finally it was decided to declare the reconstruction as carried out by President Johnson illegal, and to require the Southern states to adopt another amendment to the Constitution before admission to the Union. This amendment contained several clauses, among them one which placed before the South the alternatives of granting the suffrage to the negro or of having their Congressional representation reduced, and another disqualifying for office the leading citizens of the South. The clause relative to the suffrage of the negro was a compromise between those who desired to give the negro the suffrage without any condition and those who were totally opposed to making the ex-slaves voters.

## **Fourteenth Amendment Rejected**

The prompt rejection of the amendment by every Southern state, except Tennessee, as well as by Ohio, Michigan, Kansas and Minnesota, converted Congress to the downright determination to force negro suffrage on the South. From that time the radicals led by Sumner and Stevens controlled Congress. The principle of the reconstruction measures to come was simply the turning upside down of Southern society and permanently securing the political domination of the negroes. This was to be done by the enfranchisement of the negro and the disfranchisement of the leading white men of the South.

## **Reconstruction Acts of 1867**

A Reconstruction Act was passed in March, 1867. It declared that no government existed in the ten Southern states, and to supply it the South was divided into five military districts, with a Brigadier-General and troops in control of each. The condition of readmission was the acceptance of the previously rejected Fourteenth Amendment, and in addition a new state constitution was required to be made by each state. Constitutions are made by conventions elected for the purpose. Congress ordered that all negroes be allowed to take part in this election. They were to vote for members and to be eligible to membership in the convention. At the same time all the leading Southern men, those best qualified to make a

constitution, were not allowed to be elected to membership in this convention or even to vote for members. This disqualification was brought about by requiring every one before voting to take oath that he had not held any office under state or national government and then taken part in the war.

### **Bullock Elected Governor of Georgia. Fourteenth Amendment Accepted**

Under the direction of the military commanders the process of registration of voters for the constitutional conventions went on during the summer of 1867. In Georgia General Pope was the military Governor. He divided the state into forty-four districts of three counties each and three districts of a city each. In each district two white registrars were chosen and they were ordered to choose a negro for the third. The total registration was 95,214 whites, 93,457 negroes. The delegates elected met in December, 1868, in Atlanta. One Foster Blodgett was elected temporary chairman. This convention drew up a new constitution, enfranchising the blacks. The instrument was submitted to the people in April following for ratification, and at the same time an election for governor, state house officers and congressmen was held. Rufus B. Bullock was elected Governor by the votes of the negroes and the carpet-bagger whites, but a majority of "Conservatives" (as the Democrats were called) were elected to the

House of Representatives, while in the Senate the "Radicals" and Conservatives were equally represented. The Radical body consisted of "Carpet-Baggers," "Scalawags" and negroes. A carpet-bagger was a Northern man who came South to plunder the people and marshal the ignorant negro vote. A scalawag was a Southerner who affiliated with the interlopers and negroes. The only act remaining to be performed in order to complete the second restoration of the state was the acceptance of the Fourteenth Amendment, which was done on July 21, 1868. Georgia's congressmen were thereupon seated. The Senators would have been received had they not arrived after the end of the session.

A programme similar to this was carried out in most of the Southern states. In the Southwest peculiar conditions delayed reconstruction.

*Summary and Additional Reading.*

See end of next chapter.



## CHAPTER XXIV

### RECONSTRUCTION, 1868-1871

#### Organization of a Conservative Party

The enfranchisement of the negro disgusted Southerners and destroyed any chance of a quick return of friendly feeling between the sections. The first inclination of Georgians was to refrain from taking any part whatever in the election of 1868, feeling helpless in the presence of an almost equal number of black voters, whose ranks were swelled by carpet-baggers and scalawags. But calmer councils prevailed, and instead of allowing the adventurers and negroes to sweep into victory unopposed, the Democratic Party was reorganized in December, 1867. Howell Cobb, Benjamin H. Hill<sup>1</sup> and Robert

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<sup>1</sup> *Benjamin H. Hill* was born in Jasper County, Georgia, September 14, 1823. After a youth of hard work on the farm, he entered the University of Georgia at seventeen, being graduated with first honors. In college, he made a remarkable reputation as an orator. He studied law later and settled in LaGrange. Mr. Hill entered public life as a Union Whig, during the great crisis of 1850. He was a strenuous opponent of secession, but after the withdrawal of the South became a Senator in the Confederate Congress. Mr. Hill's fame was achieved principally in connection with the Reconstruction measures of Congress. For several years his ardent opposition to those measures made him the idol of the people. In 1870, when he saw the futility of further opposition, he



BENJAMIN HARVEY HILL.

Toombs were the active spirits in the new party. General John B. Gordon consented to run as the candidate of the Conservatives. A very active campaign followed. Great numbers of white people decided to take the oath and register. The result was that, although Bullock was elected, as has been related, the majority of the members of the new House of Representatives were Conservatives, while in the Senate the seats were equally divided between Radicals and Conservatives. This was a circumstance entirely unlooked for. It is a remarkable tribute to the determination of Georgians and the capacity of their leaders that such a quick political recovery was made. Governor Bullock was naturally much put out and at once began to scheme to get control of the legislature. General Meade, successor to General Pope, had not yet been withdrawn from military supervision of the state. Governor Bullock wrote him that a number of ineligible persons were said to be in the houses of the legislature; that is to say, men who were disqualified under the Fourteenth Amendment. Meade replied that the charge was serious and directed that each house create a committee to examine into the eligibility of its members. The Senate Committee reported none ineligible; the majority of the

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advocated acquiescence in the established facts. This eminently wise and patriotic action temporarily cost him his popularity. In 1873 he was defeated for the United States Senate; but by 1877 he had become rehabilitated in the popular esteem and was elevated to the Senate. This position he held until his death in 1882.

House Committee reported two ineligible; but a minority report found none ineligible and the House accepted the minority report. Meade considered this final and refused to interfere any further. He believed that Bullock was simply trying to secure a party advantage and he was averse from giving assistance to such a scheme. Bullock was therefore checkmated for the time.

### Expulsion of Negro Members

Twenty-five members of the House and three Senators were negroes. Their presence was obnoxious not only to the Conservatives, but to the more moderate of the Republicans or Radicals. A portion of the Republican Party in Georgia were men of the highest stamp in the state, who, like Governor Brown, believed that a cheerful compliance with the wishes of Congress would in the long run be best for the people. In September, 1868, the House declared negroes ineligible to hold office and expelled its black members. A similar resolution in the Senate vacated the seats of the freedmen.

Governor Bullock, seeing a chance to regain control, at once repaired to Washington and presented to the Senate a document in which he claimed that Georgia had never been finally reconstructed. He based this claim on the fact that the members of the legislature had not taken the oath required by the Reconstruction Act of 1867 and, therefore, a legal

legislature did not exist. This, of course, was an afterthought. General Meade had already settled the point of eligibility, Governor Bullock had allowed himself to be inaugurated by this legislature which he now claimed to be illegal, the Fourteenth Amendment had been passed by the same body, and United States Senators elected by it. However, the Radicals in Congress had long since passed the point of being disconcerted by the legal aspects of such matters. The Georgia Senators were refused their places and the Representatives were unseated.

### Georgia Again Out of the Union

Congress did not finally decide what should be done with Georgia until the following December (1869), when a bill was passed to promote the reconstruction of Georgia. Military rule was again established, General Terry being this time in command. He took charge of the legislative difficulty, and in January, 1870, had a committee of officers purge the House of twenty-four Conservatives and reseal the negroes! These proceedings disgusted all the moderates of Congress and many of the strongest adherents of the reconstruction measures. The Judiciary Committee of the United States Senate condemned as unlawful the whole proceeding. It was clearly shown that personal motives were behind the acts of the Governor.

### Third Reconstruction of Georgia, 1870. Fifteenth Amendment

The condition of readmission imposed by the Act of December, 1869, was made the acceptance of a Fifteenth Amendment to the Constitution, which the Conservative legislature had already rejected in March, 1869. This amendment was intended to secure without any conditions whatever the right of suffrage to the negroes. It marked an advance in Republican thought over the Fourteenth Amendment, which only placed before the South the alternatives of granting suffrage to the freedmen or of having her congressional representation reduced. Since the Fourteenth Amendment had become law, the extreme Radicals had got control of Congress. Georgia's "purged" legislature accepted this Fifteenth Amendment, and on its passage the military was finally withdrawn from the state. Georgia was the last of the seceding states to be restored to the Union. The Fifteenth Amendment had not been accepted without a fight over the entire country. The Democratic Party everywhere opposed it, the amendment failing in California, Delaware, Kentucky, Maryland, Oregon and Tennessee. When Georgia was alone outside the Union it chanced that one vote was necessary for the passage of the amendment, and Georgia was therefore forced to accept it. The vote of every other state was a voluntary one.

## The Campaign of 1870

The campaign for election of members to the legislature in 1870 was one of the most memorable in the history of Georgia. Benjamin H. Hill addressed an open letter to the people of Georgia in which he advised them to accept in good faith the three amendments to the Constitution, to take part in the election and send good men to make the laws. His influence was powerful. The election passed off with little disturbance, many negroes now voting the Democratic ticket. Two-thirds of the new legislators and five of the seven Congressmen were of the Conservative party.

Bullock saw that his power was gone, and fearing criminal indictment, in October, 1871, fled the state.<sup>1</sup> In 1876 he was arrested, brought to Georgia and tried on an indictment for embezzlement. Benjamin H. Hill, Jr., was the solicitor-general at the time and assisted in his prosecution. In his biography of his father Mr. Hill states that "the most searching investigation failed to disclose any evidence of his guilt and he was promptly acquitted by a Democratic jury." Bullock lived in Atlanta for many years after his trial and acquittal and became a useful and honored citizen.<sup>2</sup>

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<sup>1</sup> At a special election in December, 1871, James M. Smith was elected governor, and the return of normal political conditions dates from his inauguration the following January.

<sup>2</sup> *The Independent*, March 19, 1903, contains a defense of his administration by Ex-governor Bullock.

## Character of Reconstruction Government

The years during which Georgia was under military control and the governorship of Bullock are the most unpleasant in her history. When the vote was placed in the hands of the negroes, adventurers from other sections flocked to Georgia to organize them. The black voters were marshaled and voted like sheep. Woodrow Wilson speaks of what followed as "an extraordinary carnival of public crime under the forms of law." There was apparently no limit to the cupidity and rascality of the carpet-baggers. "Here and there an able and upright man cleansed administration, checked corruption, served them (the negroes) as a real friend and honest leader." Such a man was ex-Governor Brown. But for him and a few others conditions in Georgia would have been worse. At the time our people did not appreciate this service. Naturally blinded by indignation, Georgians were inclined to class all Republicans together. At a later time Brown regained the respect and esteem of the people of Georgia and was made United States Senator.

The reconstruction government of Georgia cost the state \$2,700,000 in increased bond issues, the proceeds of which disappeared. The state became liable for \$6,923,400 on the endorsement of bonds of various railroads. The expense of Bullock's legislature amounted to the sum of \$979,055, four or five times as much as any previous legislature had cost



the state. There were 104 clerks, nearly one clerk to every two members. The most scandalous individual instance of corruption was the mismanagement of the Western and Atlantic Railroad, which, it will be remembered, was the property of the state. That road was placed under the management of Foster Blodgett. The auditor of this road admitted that he had saved from twenty to thirty thousand dollars out of his salary of two or three thousand. Hundreds of employees were discharged to make way for friends of the administration; positions of trust and importance requiring special knowledge were filled by men utterly ignorant of the work they were supposed to perform; the receipts of the road, instead of being turned over to the state or used in the upkeep of the property, were stolen. When reconstruction finally ended the road was almost ruined.

### **The Failure of Reconstruction**

The enfranchisement of the negro was an unwise and unstatesmanlike measure. It was forced on the South by Congress from a mixture of motives. Idealists, believing in the essential equality of all men; politicians, intent on securing party advantage; statesmen, who believed that in no other way could the negro be enabled to protect himself, united in the support of enfranchising the freedmen. The North was confident of the success of the experiment. General Pope in 1867 wrote in a report that in five

years he believed the intelligent element of Georgia would be the blacks. A recent Northern historian says of the reconstruction policy, "Seven unwholesome years were required to demonstrate that not even the government which had quelled the greatest rebellion in history could maintain the freedmen in both security and comfort on the necks of their former masters. The demonstration was slow, but it was effective and permanent." The purposes which inspired the reconstruction measures utterly failed of realization. Not only did the Southern people in fact take control, sometimes by force and fraud, of all the state governments on the withdrawal of the troops, but the acts by which Congress sought to enforce the Fourteenth and Fifteenth Amendments have been declared unconstitutional by the Supreme Court; and finally, nearly all the Southern states have in law deprived the negro of the ballot, by the imposition of educational and other qualifications.

### Summary

Georgia passed through three distinct processes of reconstruction. The first of these is known as the Presidential reconstruction, in which President Johnson attempted to carry out the plans outlined by Lincoln. The Southern states were required to repeal the ordinances of secession, to repudiate the war debt, and to accept the Thirteenth Amendment, which abolished slavery. This very lenient treat-

ment of the South was not, however, allowed to pass unchallenged. The second reconstruction was due to resentment on the part of Congress at the President's presuming to permit the South to return to the Union without consulting the law-making body as to the terms to be imposed; and, in the second place, to Northern opposition to the laws passed by the South to control the negroes. Congress, therefore, overthrew the President's arrangement, divided the South into military districts, and made the condition of readmission the acceptance of a Fourteenth Amendment to the Constitution. This amendment gave the negroes a conditional right to the exercise of the suffrage and disqualified leading Southerners from voting or officeholding. Georgia complied with the wishes of Congress, and was admitted a second time in 1868. The third reconstruction was the result of the act of the Conservative majority of the state legislature in expelling negro members. The troops were sent back, and Georgia was finally restored to the Union in 1870, when she adopted the Fifteenth Amendment, giving the vote to the negroes.

During the two congressional periods of the reconstruction, Georgia became the prey of interloping white men from the North, who organized the negro vote and had themselves elected to office. It should be said, however, that Georgia suffered far less from reconstruction than the majority of the Southern states. We had the good fortune to have an element

of cool-headed native men who saw that the wisest course to pursue was not violent resistance to Congress, but acquiescence in the inevitable. These men diverted from Georgia many of the evils which came to the sister states of the South.

*Additional Reading.*

The Reconstruction Period: Harris, J. C., *Stories of Georgia*, pp. 297-306. Reconstruction in Georgia: Smith, C. H., *History of Georgia*, Chaps. XXVII, XXVIII, XXIX. Evans, L. B., *History of Georgia*, Chaps. LV, LVI, LVII.

## CHAPTER XXV

### THE SOCIAL AND ECONOMIC REVOLUTION

#### Southern Conditions in 1865

While the North grew richer and greater with each year of the war, the close of the struggle found the South prostrate. Industry had practically come to a standstill. Plantation work had been continued as well as it could be in the absence of the masters. The only wealth to be found immediately convertible into money was cotton, many thousands of bales of which were collected at various points in the interior and at the ports, kept off the market by the blockade. The benefit of even this means of relief was, however, denied the South, for as soon as peace was declared this cotton became the object of diligent search on the part of Treasury officials. A military order of 1865 required the surrender to the United States government of all cotton which had been sold to the Confederate government. Under cover of this order all cotton that could be found was seized and sold and the proceeds either stolen by the government agents or transmitted to the United States Treasury.

## Cotton Tax

The recovery of the South was also hampered by the imposition of a direct tax of three cents a pound on cotton whereby millions were unconstitutionally taken from the Southern people.

## Passing of the Old Social Order

One of the most striking of the permanent results of the Civil War was the destruction of the old social order. Leadership in politics, society and business had been monopolized by the slaveholders and their connections, the lawyers and the factors of the cities. The fortunes of this class of society were freely given to the Confederacy; their money went into the purchase of Confederate bonds, which became valueless; their main form of wealth, slaves, was destroyed; land, in the absence of capital, declined in value. Hence the planter lost his position of dominance.

## Rise of the Middle Class

While there had never been anything like a caste system in the South, it has been shown that society was stratified by the institution of slavery. In the readjustment after 1865 men of the middle class improved their condition. In many cases the former leaders were so discouraged by their reverses that they had no spirit left to face life anew. Many notable instances to the contrary occurred, especially in the state of Georgia. But the middle class of people,

who had never owned slaves nor great wealth, did not suffer so greatly as did the slaveholders, and now under the new conditions it was easier for men of energy among them to rise.

### **Free Schools**

Another far-reaching change wrought by the war was the establishment of free schools, supported by the state. In Georgia this reform was brought about by the carpet-bag government. No more powerful agency could have been created for the uplift of the middle class whites and the negroes. In some of the Southern states this matter of free schools caused great trouble. In South Carolina, Louisiana, Florida and Mississippi it was sought to inaugurate mixed schools for whites and blacks, and in Louisiana and South Carolina such schools were actually established by law. The University of South Carolina was required to admit negroes. Northern school teachers flocked to the South, sent by missionary societies. These good people thought that the only difference between the Southern gentleman and the freedman was the latter's want of acquaintance with Latin and Greek literature, and they diligently, prayerfully and earnestly set to work to supply their protégés with culture out of the whole cloth. The negroes flocked to school, because the belief was universal among them that education meant release from toil. As was inevitable, the sort of education given

the negroes at that time failed, and a great change has come in the thought of the nation on that subject. Except for a few negro classical colleges, which are doing a good work in training leaders for the race, the older classical schools have disappeared and in their place industrial schools have risen. In addition, every Southern state appropriates annually many thousands of dollars in support of public schools for the negroes. In Georgia the law requires the establishment of a negro school in each school district, and though these schools are of a very low grade, insufficiently housed and conducted by incompetent teachers, they accomplish some good work.

### Fall of the Plantation System

The plantation was a highly organized institution for the control of unintelligent slave labor. Its success lay in the master's authority to compel his servants to work. With emancipation the planters of course lost this right of control and the relation between planter and laborer became a matter of contract. While the planter under the new order escaped many burdens inherent in the slavery system, he suddenly found himself without any labor supply whatever on which he could depend. The negroes' first idea of freedom was permanent release from labor. They were encouraged by the agents of the Freedmen's Bureau and the carpet-baggers to believe that their masters' plantations would soon be



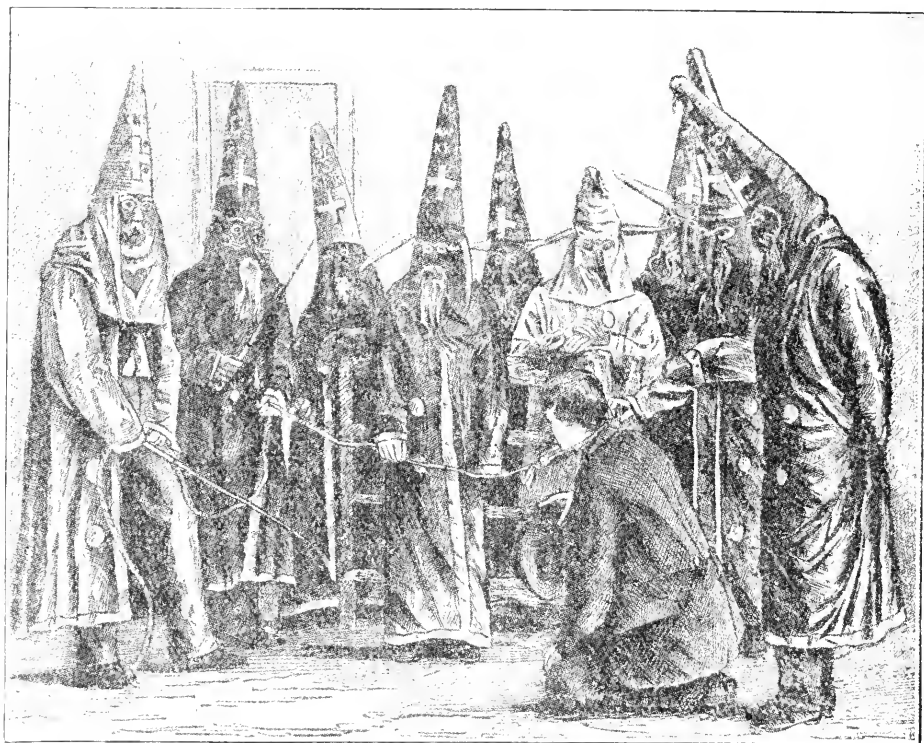
divided among them, and that the government would supply stock and tools. Filled with such notions, the blacks flocked to the towns, hung about the Freedmen's Bureau and utterly refused to work. The disorganization of labor on the seaboard permanently hurt the rice industry, as is shown by the fact that in 1860 Georgia produced 52,507,652 pounds of rice, while in 1900 the production was only 11,174,562 pounds. Two agencies were called into play to assist in the restoration of order and in the discomfiture of the carpet-baggers. They were the law and the Ku Klux Klan.

### Laws to Control the Freedmen

So serious became the problem of vagrancy and the insolence of the negroes that Georgia, along with the other Southern states, adopted certain restrictive laws, which the times seemed to demand. An "Apprentice Law" required negro minors whose parents were dead or unable to support them to be bound out as apprentices; their masters were required to teach them industry and honesty; to instruct them in reading and writing, and to furnish the necessities of life. To reach older negroes, a "Vagrant Law" was passed, providing a heavy penalty for vagrancy. A vagrant might be fined or imprisoned at the discretion of the courts, forced to work on public roads for a year, or be bound out for a year.

## Ku Klux Klan

The Ku Klux Klan was begun in a Tennessee town in May, 1866, by a group of young men lately returned from the war.<sup>1</sup> The idea originated in fun,



PHOTOGRAPH SHOWING COSTUMES ACTUALLY USED BY A KU KLUX BAND.

Fleming, *"Documentary History of Reconstruction"* (Arthur H. Clarke Company).

the product of a desire to relieve the tedium of life in an out-of-the-way Southern town. The society was a secret organization. When the members went out

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<sup>1</sup> Brown, W. G., *Lower South in American History*, Chapter IV. History of the Ku Klux Klan.

at night they wore a white mask, a tall cardboard hat and had their horses' feet muffled. Soon the freed negroes began to make trouble, and, as the South was in the hands of Federal troops, no open resistance to the insolence of negroes nor correction of their idleness could be resorted to with safety. The Ku Klux Society was admirably suited to impose on the ignorance and superstition of the negroes, and soon from the original Klan hundreds of offshoots had sprung. The movement was spontaneous, widespread and the result instantaneous. It is hard to see how the excesses of the freedmen and of their far more culpable white leaders could have been restrained but for this great secret organization. The Ku Klux Klan numbered in its membership thousands of the best men in the South. Unfortunately, at a later time, under the mask of the order, unscrupulous men began to avenge personal grudges, and the Klan degenerated into an enemy of law rather than an upholder of order.

### New System of Farming

No greater mistake could be made, however, than to suppose that all colored men became idle and worthless. On many plantations the masters called their former slaves about them, explained the situation, advised them to go quietly to work and offered to give employment to all who would stay. Thou-

sands followed such advice, and before a great while many of those who abandoned the farms awoke to the fact that all men must work.

There are no statistics which trace the changes in the systems of farming that occurred between 1865 and 1880. The main lines of the movement, however, are known. Before the war there had been practiced a species of renting known as the "third-and-fourth" system. Poor white people owning no land sometimes rented the less desirable, outlying portions of plantations, the landlord furnishing land and house only, the renter paying for the use of the soil one-fourth of the cotton produced and one-third of the corn. It was natural that this system should have been extended after the war to the negroes, with the variation that it was necessary for the landlord to "supply" the negro renter or secure the merchant who advanced him the necessaries. This system gradually died out, because it was too hazardous for the landlord. He exercised practically no supervision and his chances of realizing anything were small. An amusing incident is told of a landlord who, on demanding his third of the corn, was told by the negro renter that there wasn't any third, as he had made only two wagon loads of corn. Other planters tried working the negroes as wage hands, but this plan also proved unsatisfactory. The majority of planters had great difficulty in raising cash for wages, and the negro, after receiving his week's

or month's pay, was likely to exercise his privilege of leaving his job without notice.

### **Cropping or Share Tenancy**

While lacking ready money for the payment of wages, the landlords could get credit. The failure of the third-and-fourth system and of the wages plan suggested a new system which soon became widespread. It is known as "cropping." Under this system the landlord furnishes land, house, stock, tools and feeds the cropper, the latter supplying only the labor. The crop is divided equally between landlord and tenant, the tenant paying from his share for the supplies advanced him while making the crop. Under this plan the landlord and tenant become partners in a business enterprise and self-interest induces the negro to work faithfully. This was an eminently successful system so long as the planters lived on their farms and closely supervised the operations of the tenant. But it was a hard life. The changed spirit of the negro made it a difficult matter to keep him at work. This system still prevails in those counties of Georgia where the whites are numerically in the ascendency and live on their farms.

### **Renting Begins**

So great an effort was involved in watching the croppers that soon another system was evolved,

known as the "standing rent" system. A variety of considerations favored the change. The negro's aversion from supervision grew stronger every year; he desired to direct his own labor and to be absolutely independent of the white man. By renting he escaped this supervision, for the landlord furnished him only land and house and left him to his own resources. The negro supplied himself and in return for the use of the land paid a fixed rental, commonly one thousand pounds of lint cotton per horse farm. The landowner was inclined to favor this plan, because it allowed him to escape from the plantation, which now had few of the ante-bellum charms, and remove to town. The transition was facilitated by the passage of a law allowing merchants to take a lien on the growing crop of the tenant to secure the advances of food and other supplies.

### Results of the Renting System

Momentous consequences followed the introduction of the renting system. The large ante-bellum plantations ceased to be units; the old concentrated quarters of the negroes disappeared, and the plantation was divided into many small farms, each with its house and family. The landlords removed to town. Thus the rural districts of the great cotton belts of Georgia were largely abandoned to negroes; the spacious, elegant old homes went into the hands of the freedmen, the stately beauty of Southern agriculture

was gone. Theoretically, the renting system marks an upward step in the economic evolution of the negro, since he is no longer simply a day laborer under the direction of a white man, but is a manager. In reality, however, the negro is not of sufficient intelligence to benefit from this arrangement—with many individual exceptions. The advance of renting marks a decline rather than an advance in agricultural conditions; the negro loses the advantage of capable direction; the land deteriorates in value; improvements cease, and production declines. The census of 1910 shows that there is now a strong tendency on the part of Georgia farmers to substitute the cropping for the renting system. This is a very fortunate movement, meaning greater attention to farming and a return to the necessary supervision of farm labor.

### **Negro Land Ownership**

Coincident with these changes, another of great importance is to be noted—the growth of negro land-ownership. Land values fell enormously after 1865. Many thousands of acres were entirely abandoned. Through the agency of the Freedmen's Bureau many negroes were put on the soil as lessees and the leases sometimes ripened into ownership through the thrift of the blacks. Possibly a larger number came into the possession of land through the kindness of former owners in selling them farms on long time payments.

By 1874, when the state of Georgia for the first time published the number of acres owned by negroes, they were in possession of 338,769 acres. In 1900 the figures had risen to 1,075,073; in 1910 to 1,607,970 acres. While this is a small proportion of the entire acreage of the state, it indicates progress. It is unfortunately true, however, that many of the farms nominally owned by negroes are mortgaged to white men, either for purchase money or for supplies advanced.

### Counties Outside of the Black Belt

What has been said as to farming conditions applies largely to the black belt of Georgia. In the counties in which the whites predominate numerically, that is to say, where the ante-bellum slavery system was not widespread, we find the white people still living on their farms and better agricultural conditions prevailing.

### Immigration

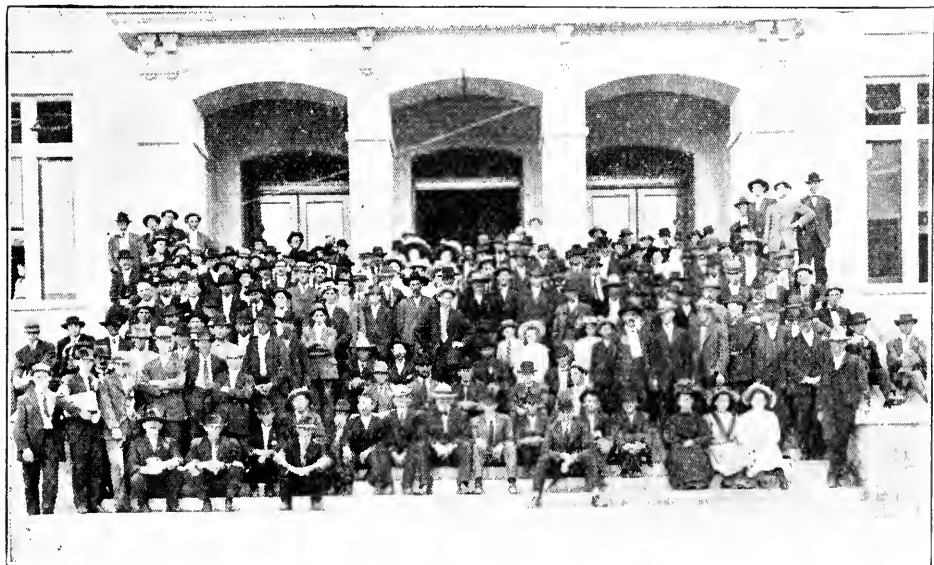
A healthy agricultural life cannot exist where the best of the farming land is owned by absentee landlords, who entrust their property to incompetent tenants. This condition, heretofore so widespread, is now, in the beginning of the twentieth century, being ameliorated. The mountain people, who for so many generations have lived isolated lives in their remote country, are removing to the piedmont and the



wiregrass regions of Georgia. Furthermore, the progressive element of Georgians is encouraging immigration from the western states. South Georgia is rapidly filling with these highly desirable people. The increasing of the proportion of whites to blacks is the great need, and the present movements are prophetic of better days.

### Agricultural Education: Diversification of Farming

One of the heritages from ante-bellum times was a too exclusive attention to the production of cotton. Georgians are now fully awake to the necessity of diversified farming. The most powerful agency in



GROUP OF FARMERS ATTENDING WINTER COURSE AT THE STATE COLLEGE OF AGRICULTURE.

*Photograph furnished by Prof. R. J. H. DeLoach.*

spreading the doctrine is the College of Agriculture lately established by the state. Every farmer in Georgia is considered a student in this institution and every effort is being made to reach him with the message of new methods. Development of diversification, the growth of the cattle industry, of dairying, and market gardening are now widespread.

### Summary

The Civil War produced far-reaching changes in the South. The people who had most to lose were the heaviest sufferers. The abolition of slavery, while not a permanent social loss, since the labor of the negroes remained available, nevertheless meant ruin to thousands of planters. Furthermore, the free labor was for a time unmanageable. The result was that plantations were in large measure broken up and a system of tenancy took possession of the black belt. The dominant position of the planter was lost and at the same time public education and a larger opportunity tended to favor the rise of the middle class people. So that, looked at from this point of view, the War had a tendency to equalize social conditions. Since the farmers no longer had to invest in slaves, much capital in time became available for manufacturing and commerce, as we shall see in the next chapter. Cities and towns are, therefore, of much more importance than in ante-bellum times.

The most striking change made by the War was,

of course, in the condition of the negroes. From being slaves they have advanced in fifty years to the nominal possession of a million and a half acres of land; many thousands of them have received common school and technical training and are filling useful places in our industrial life.

*Additional Reading.*

New Systems of Farming; Negro Landownership; the Credit System: Banks, E. M., *Economics of Land Tenure in Georgia*, Chaps. II, III, IV, V.

Conditions in Georgia after the War; Fall of the Plantation System; Brooks, R. P., *The Agrarian Revolution in Georgia*, Chaps. I and III.

## CHAPTER XXVI

### RECOVERY AND DEVELOPMENT SINCE 1870

#### Growth of Population

During the forty years since the return of normal conditions in Georgia, there has been a steady growth of population. The census of 1910 credited the state with a population of more than two and a half millions (2,609,121), an increase of 120 per cent since 1870. The white people exceeded the negroes in number in 1870 and have slightly increased their lead since that time. In 1910 negroes were 45.1 per cent of the total population; in 1870 they were 46.3 per cent.

#### Georgia an Agricultural State

Only one-fifth of the people of Georgia live in cities or towns of more than 2,500 population. In other words, despite the great advancement in manufacturing, the overwhelming majority of Georgians live on the farm or in villages and small towns.

#### Growth of Cities

Though the bulk of our population lives in the rural districts, there has been a steady movement from the country to the cities since the Civil War.

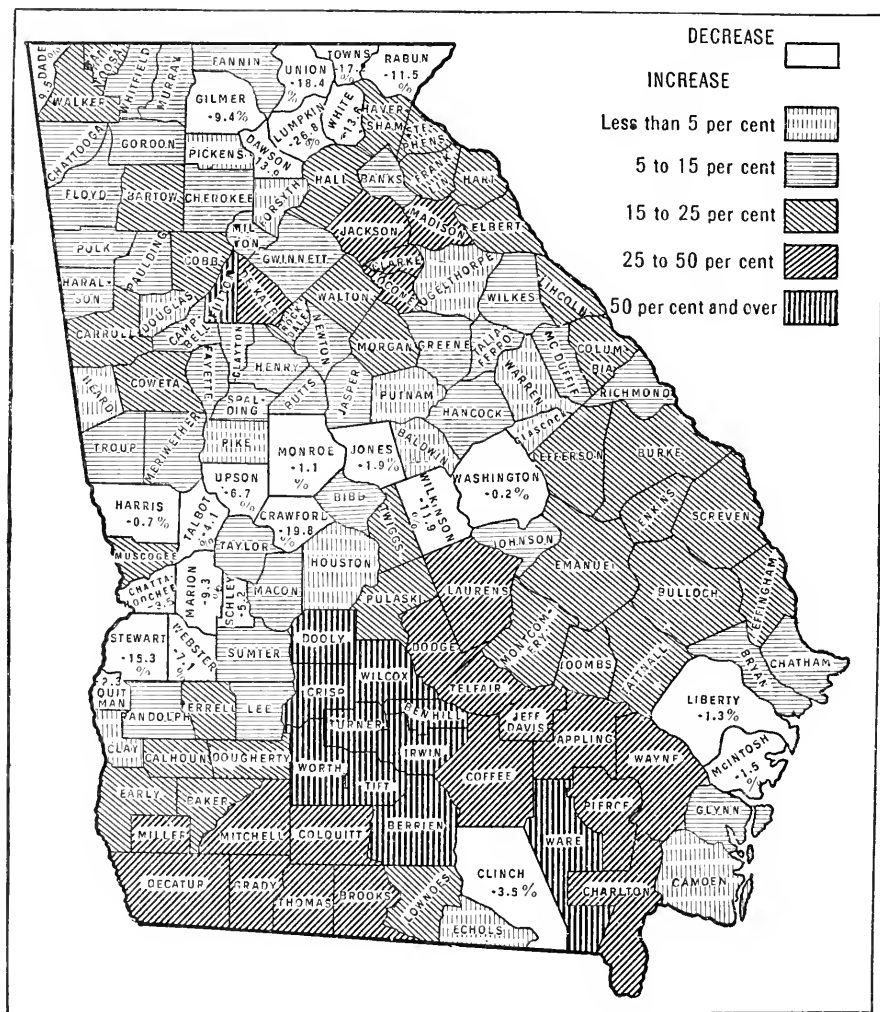
The increase in the population of the cities has been especially marked since 1900: while the rural regions increased 12.5 per cent, the cities increased 43.2, or three and a half times as fast. The cities which have grown with marked rapidity are Atlanta, Macon, Rome, Athens, Waycross, and Albany.

### **The Sections of Georgia**

In some parts of the state population is growing much faster than in others. The most notable development of late years has been in south central Georgia, where many of the counties increased in population more than fifty per cent in the past decade. This growth has resulted in the cutting up of large counties and making new county seats of thriving towns. Since the census of 1900 was taken, Crisp, Ben Hill, Tift, Turner, Jeff Davis, Toombs, Jenkins, Bleckley and Wheeler Counties have appeared on the map, all in South Georgia. Only one new county has been created outside this section, namely, Stephens County in northeast Georgia. In the rapidly growing south central and southeastern section whites far outnumber the colored people.

Another section that has been growing rapidly, though not at so striking a pace as South Georgia, is the belt of counties just north of the Black Belt.

Many of the older counties of the seaboard and of Middle Georgia are in a stationary condition, six-



teen counties having actually lost population during the last ten years. This is due to the departure of many people to cities and to the richer and fresher lands of South Georgia.

## **Enormous Increase of Wealth**

The total wealth returned for taxation in Georgia was much less in 1870 than in 1860, on account of the losses incurred in the War. The progress since 1870 has been striking. The total property returned for taxation has grown from \$227,000,000 in 1870 to \$813,338,438 in 1910. When it is remembered that these statistics represent only the values returned for taxation, and that property owners, especially owners of farm lands, return their property at a rate far lower than the actual value, it will be apparent that the true value of Georgia property is far higher than appears from the books of the Comptroller-General.

## **Farms and Farm Products**

The value of all farm property has increased more than 400 per cent since 1870, while the increase in value of implements and machinery has been even more rapid. Of improved acreage in 1870 there were less than 7,000,000 acres; in 1910 there were more than 12,000,000. Even now, however, less than three-fourths of the total area of Georgia is in farms and only about one-half of the land in farms is improved. The production of cotton has grown from 473,934 bales in 1870 to 1,992,408 in 1910. The production of corn has doubled, sweet potatoes have increased three-fold, and forage crops still more rapidly. Georgia grows much less wheat

than formerly, but in every other respect there has been gratifying development. In 1910 Georgia ranked fourth among the states in the total value of agricultural output, only Texas, Illinois and Iowa surpassing her. This rapid development is due to the application of science to agriculture and to a great



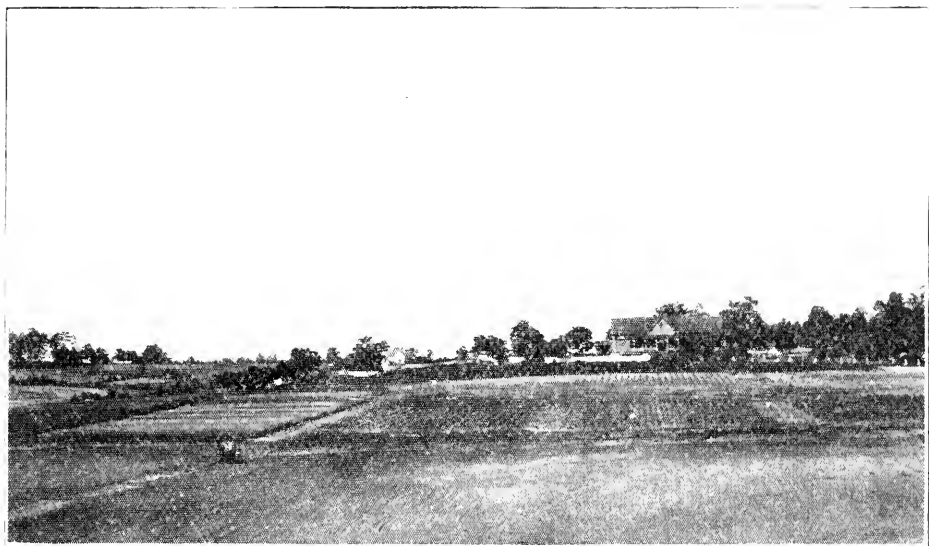
"THE AGRICULTURAL SPECIAL" SENT OUT BY THE STATE COLLEGE OF AGRICULTURE.

*Photograph furnished by Prof. R. J. H. DeLoach.*

awakening of interest in better agricultural methods. Educational trains, boys' corn clubs, girls' canning clubs, the extension work of the State College of Agriculture and the experimental and instructional work on the college farms and in the laboratories; activity of the State departments of agriculture and



entomology have all helped the cause of progress. The fact should be emphasized, however, that we do not produce enough food crops. In 1910 Georgia imported \$58,930,000 worth of corn, though our acreage in corn exceeded that of any other South Atlantic state. We also bought \$39,336,000 of oats, \$23,680,000 worth of hay; meats and poultry to the value of



EXPERIMENTAL PLOTS, STATE COLLEGE OF AGRICULTURE.

*Photograph furnished by Prof. R. J. H. DeLoach.*

\$38,427,000, and \$10,000,000 worth of stock. Added together, these figures are found to exceed by about \$30,000,000 the value of the cotton crop of 1910, estimated at \$150,000,000. All of these food crops and the stock could have been easily raised in Georgia without curtailing in any way the production of cotton.

## Manufacturing

No modern development in Georgia has been so interesting as that of manufacturing. The value of our manufactured articles in 1870 was \$31,196,115. In 1910 the figures had grown to \$202,863,000. Atlanta alone produced more manufactured goods in



A GEORGIA COTTON MILL.

1910 than did the entire state in 1870. While the manufacturing industries of Georgia are quite varied, cotton milling is by far the most important, contributing nearly one-fourth of the total value of manufactured goods. Other leading industries are the manufacture of fertilizers, lumber and cotton seed oil.

## THE PUBLIC SCHOOL SYSTEM

### Beginnings of the System

While the material recovery of Georgia has been such as to attract the notice of the nation, other interests have not been neglected. Fundamental changes have come about in the school situation. The Legislature in 1870 and 1872 enacted laws to carry into effect the mandate of the Constitution of 1868 looking to the establishment of schools open to the youth of the state without charge. The organization of the public school system was the work of Gustavus J. Orr. He was a South Carolinian, but removed to Georgia and became a student at the University of Georgia. His education was, however, completed at Emory College, and he became a teacher in that institution. Orr was an able educator and for fifteen years was at the head of the school system of the state. The system was begun under General J. R. Lewis, but unfortunately the funds set apart for the schools were diverted to other purposes, and the close of the first year found the state \$300,000 in debt to the teachers. Orr then came in, reorganized the system, suspended operations for a year in order that financial support might be found before additional obligations had accumulated, and reopened the schools in 1873.

### Forty Years of Development

Since that time the progress of education in Georgia has been steady. In the first year of free

schools, there were enrolled 42,914 white and 6,664 colored children. This enrollment represented about thirteen per cent of the school population. The appropriation for 1871 was \$174,107. The progress of forty years is seen when these figures are compared with the following statistics taken from the report of the State Superintendent of Schools for 1911. The total enrollment was 565,071, or 77 per cent of the school population.<sup>1</sup> Of those enrolled 342,129 were white and 222,942 colored children. Of the white children of school age, 88.5 per cent were attending school, of the colored, 63.8 per cent. These figures are unfortunately somewhat inaccurate, in that it is necessary to use the school census of five years ago. Of course, there has been the normal increase since that time. The appropriation for common schools for 1911 was \$2,500,000. In 1871 the schools had practically no property; in 1911 the total value of public school property was \$11,163,194.43. The number of schools was 8,066, manned by 13,024 teachers.

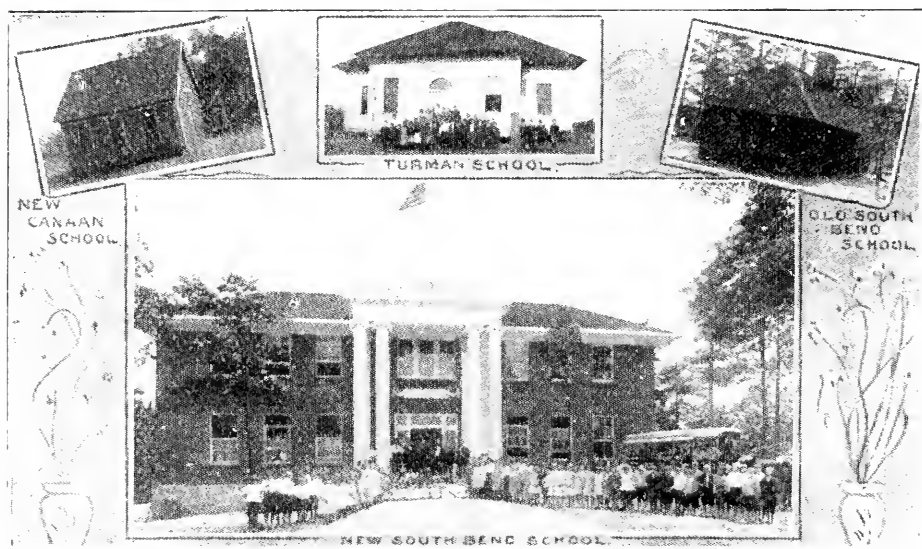
### Local Taxation for Schools

A constitutional amendment of 1904 empowers counties and school districts within counties to sup-

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<sup>1</sup> The law of Georgia requires that a Census of the school population be taken every five years. The last census was taken in 1908, at which time the school population was 735,471. The school population includes all persons between the ages of 6 and 18.

plement by local taxation the state appropriation for schools. This provision has proved a powerful aid in the betterment of school conditions. Twenty-eight counties have (up to March, 1913) adopted the county-wide local tax, while 629 districts levy the extra assessment. In 1911, \$1,566,654.70 was the



THE THREE SMALL SCHOOLS AT THE TOP WERE RECENTLY CONSOLIDATED AND THE BUILDING AT THE BOTTOM ERECTED IN THEIR PLACE.

amount raised by local taxation. The total amount available for common schools in 1911 was \$5,282,651.68. The sums appropriated for higher and secondary education raise this total to \$6,183,768.37. In other words, the people of Georgia in 1911 used for educational purposes, through state and local taxation, a sum greater than the total amount of

taxes received by the Comptroller-General for all purposes in that year.<sup>2</sup>

### Declining Percentage of Illiteracy

The effect of this educational activity can be pointed to with pride. In 1870 27.4 per cent of our white people and 92.1 per cent of our colored population were classed as illiterates. In 1910 the white illiteracy had fallen to 7 per cent and the colored to 36 per cent.

When we recall the fact that only forty years ago there were no public schools and that the state did practically nothing for education, this progress seems little short of miraculous. The advancement is all the more impressive in view of the chaotic political and economic conditions immediately following the Civil War. At the present time while Georgia does not appear in a favorable light when compared with the most progressive of the Northern states, our progress in education has been far more remarkable, because the conditions have been adverse. One of the most important advantages the North has is in the matter of federal pensions. Whereas every Northern state receives millions each year from the national government, part of which is paid by the South in indirect taxes, the states of the South not only get nothing, but themselves ex-

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<sup>2</sup> The total receipts of the Comptroller-General in 1911 were \$5,558,446.36.

pend millions to support ex-Confederate soldiers. The pension fund in Georgia in 1911 amounted to \$1,199,149.

### A Professional State Board of Education

Much has been done during the past two or three years in the direction of better systematizing our schools. Among the changes none is of more importance than the reorganization of the State Board of Education. The White Bill of 1912 put the control of educational affairs in the hands of a new board, consisting principally of experts in education. The old board consisted of politicians who were only indirectly interested in educational matters. The State Superintendent of Education and the Governor are *ex officio* members of the new board.<sup>1</sup> The state has been fortunate in having had as State Superintendents<sup>2</sup> a succession of men of unusual attainments.

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<sup>1</sup> The present appointed members of the Board of Education are Professor T. J. Woofter, Dean of the School of Education in the University of Georgia; Professor G. R. Glenn, former State Superintendent of Education, and now President of the North Georgia Agricultural College; W. T. Steed, Butler; and Professor A. H. Moon, Baxley, Ga.

<sup>2</sup> Among the educators who have filled this important position are J. R. Lewis (1870-1872); G. J. Orr (1872-1888); J. S. Hook (1888-1891); S. D. Bradwell (1891-1895); G. R. Glenn (1895-1903); W. B. Merritt (1903-1907); J. M. Pound (1907-1910); and M. L. Brittain (1910-....). In 1911, the title of the office was changed from State School Commissioner to State Superintendent of Schools.

The great progress of recent years is due more largely to their efforts than to any other cause.

### Amendments of 1910 and 1912

Constitutional amendments submitted to the people and adopted in 1910 and 1912 remedied defects in our fundamental law on the subject of education. The 1910 amendment repealed the constitutional provision that prevented counties from levying local taxation for any but elementary schools, so that it is now legal for counties and school districts to impose local taxation for high school purposes. The 1912 amendment made the high school a part of the public school system of the state. This change, however, was rendered less effective by the action of the legislature in refusing to submit to the people a proposed amendment to authorize the use of state taxes for the support of high schools.

### Failure of the Compulsory Education Bill

In spite of the great progress of the state in education, Georgia still lags behind many of her sister states in this respect. The census of 1900 showed that only eight states have higher percentages of white illiteracy than Georgia has. Those states having a higher percentage of illiteracy than Georgia are all Southern states (except New Mexico). For a number of years the feeling has been growing that the only way to reach the twenty-three per cent of



our school population still out of school is by compulsory education. A bill to this end was introduced in the Legislature of 1913, but failed of passage. Its introduction, however, indicates the trend of thought on that subject, and it cannot be long before compulsory education will be the law in Georgia.

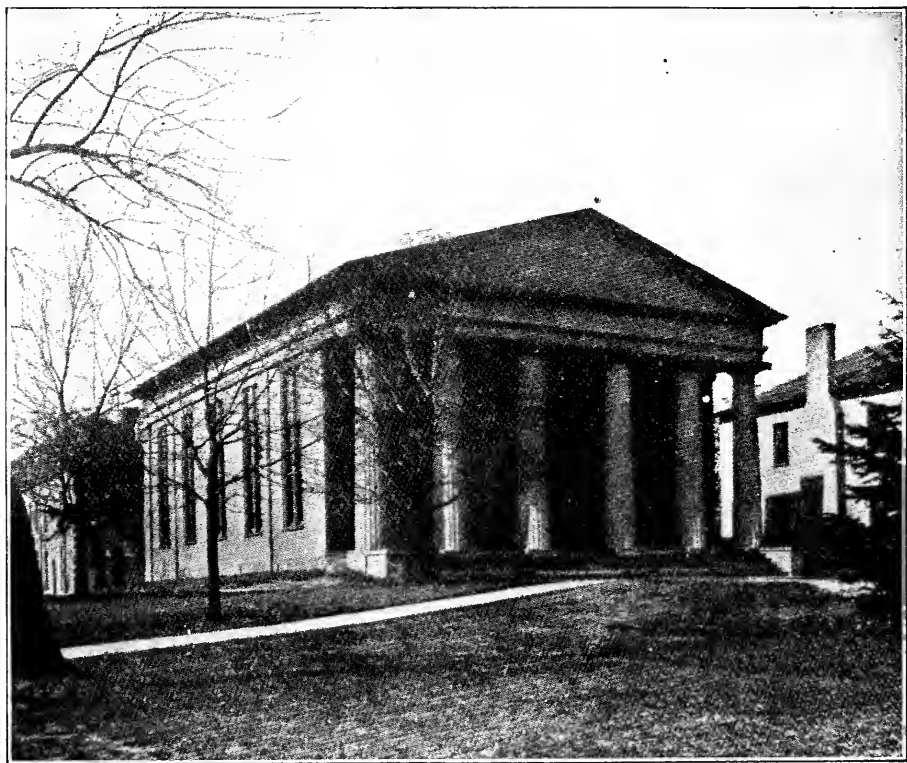
## THE UNIVERSITY SYSTEM

### Expansion Since the War

At the outbreak of the Civil War the University of Georgia was a small classical college with a faculty of nine members and a total enrollment of one hundred and nineteen students. The exercises were suspended during the War. In 1866, no money being available for the institution, and the trustees being unable on that account to assume responsibility for the payment of salaries, several of the professors reopened the institution as a private venture. Tuition was fixed at one hundred dollars. Seventy-eight students were enrolled in 1865-1866. The state government came to the rescue in the summer of 1866 and the board again took over the payment of salaries.

By Act of Congress in 1862, each state in the Union was granted a large donation of public lands for the establishment of a college to be devoted to science, especially in its application to agriculture. The funds arising from the sale of Georgia's share of the land were turned over to the trustees of the Univer-

sity in 1872, and the Georgia State College of Agriculture and the Mechanic Arts was established at Athens as a part of the University. From that time the usefulness of the University has been increased

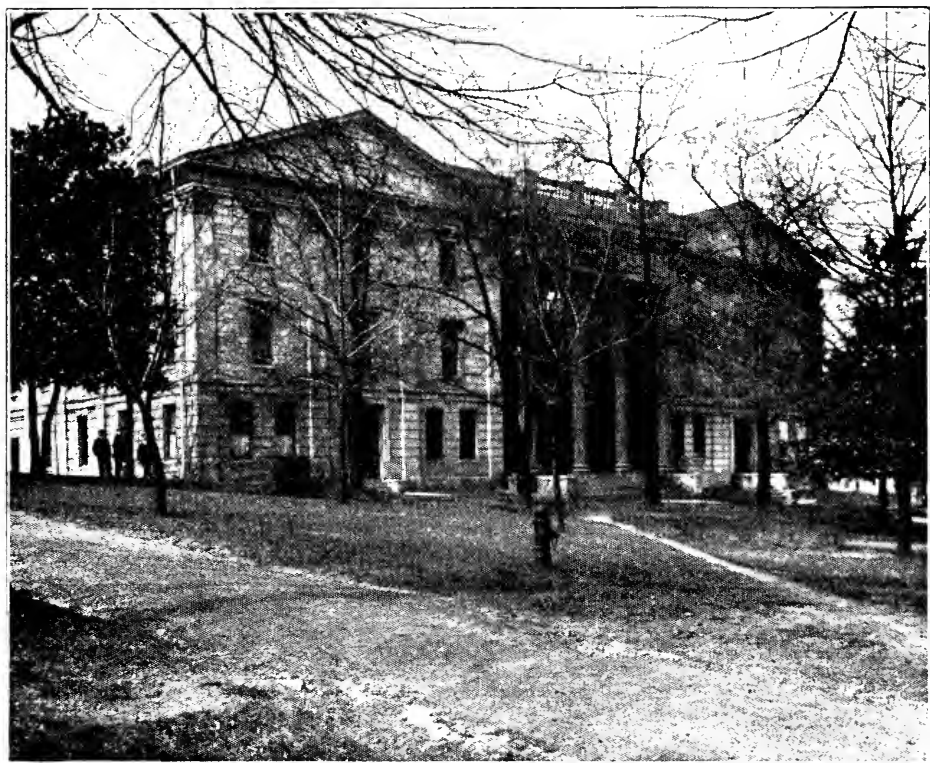


UNIVERSITY OF GEORGIA, CHAPEL.

*Photograph furnished by Dr. J. P. Campbell.*

by the addition of other schools. Already in 1867 the Lumpkin Law School in Athens had become the law department of the University; in 1903 a School of Pharmacy was added; in 1906 a School of

Forestry was created; and during the same year a State College of Agriculture<sup>1</sup> was established in addition to the College of Agriculture and the Mechanic Arts, which had become practically the scientific



ACADEMIC HALL, UNIVERSITY OF GEORGIA.

department of the University. The most recent additions to the University are the School of Education, in 1908, and the School of Commerce, in 1912.

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<sup>1</sup> Correlated with the State College of Agriculture are the Agricultural High Schools, of which there is one in each Congressional District. These schools were established during the administration of Governor Joseph M. Terrell.

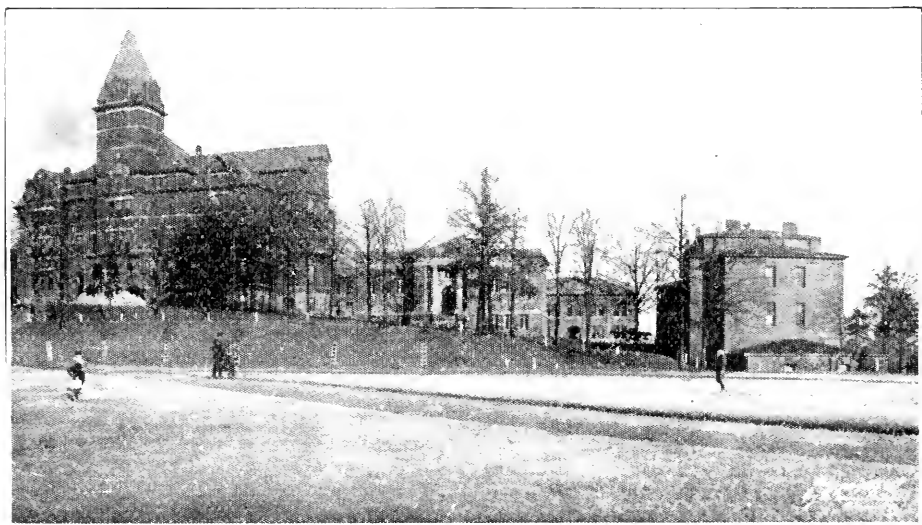
From the small establishment in 1866 the parent institution has grown until in 1913 the faculty numbers 61 members, including seven tutors; and the enrollment for 1912-1913, including the Summer School of 1912, was 1,210.

### Branch Colleges

The Constitution of 1877 provided that thereafter no appropriations for education other than for elementary schools should be made except to the University of Georgia. The idea was to build up a great university system of state supported higher institutions. The subsequently established School of Technology, at Atlanta; the Girls' Normal and Industrial school, at Milledgeville; the State Normal for Colored Youths, at Savannah, and the Normal School, at Athens; the Georgia Industrial College for Colored Youth, at Savannah, and the Normal School, at Valdosta, are thus in law members of the university system. The North Georgia Agricultural College, at Dahlonega, and the Medical College, at Augusta, have also been adopted into the university family. These institutions are self-governing, each institution having its own president and board of trustees. A closer coördination of the several institutions was brought about by an act of 1909, putting three members of the board of trustees of the parent University at Athens on each of the local boards of the branch institutions, and making the presidents

of the local boards *ex-officio* members of the board of trustees of the University. The total enrollment in the entire system for 1912-1913 (exclusive of students of primary and secondary grade) was 3,873.

The university system is inadequately supported by the state. This results from no unwillingness on the part of the legislators (they have, in fact, been very



GEORGIA SCHOOL OF TECHNOLOGY.

*By Permission of Haines Photo Co.*

liberal), but arises from our defective method of taxation. The bill passed in the closing days of the legislative session of 1913 (see p. 358), revising the administration of the tax laws, will, it is hoped, result in a large increase in the revenues of the state, and thus make possible greater appropriations for educational purposes.

## REFORM OF THE CONVICT SYSTEM

### Origin of the Leasing System in Georgia

Prior to 1866 the convicts of Georgia were confined in a central penitentiary, located at Milledgeville. The total number of convicts in 1860 was about 250, all whites. All except the most serious crimes of slaves were punished by their masters. On emancipation, however, it became necessary for the state to deal with colored law breakers, and presently the capacity of the penitentiary was overtaxed. The state was confronted with the alternatives of greatly enlarging the penitentiary or of adopting some other method of handling the prisoners. As the state was nearly bankrupt at the time, the Legislature authorized, in 1866, the leasing of convicts to contractors engaged on public works. In 1874 the leasing of convicts to private individuals for general work was legalized for five years, and later the system was extended for twenty years, or until 1899.

### The First Reform, 1897

The system proved thoroughly bad in its effects. Convicts were abused, while individuals and corporations grew rich on the products of the enforced labor. The first reform came in 1897 with the establishment of a Prison Commission. The commission, which was also made a Board of Pardons, was directed to purchase a prison farm, where females, aged and infirm men, and boys under fifteen were to

be confined and required to do field work. The able-bodied prisoners were divided into two classes. The short term convicts (those sentenced for five years or less) were to be employed by the counties in working the public roads. The long term convicts (those sentenced for more than five years) and any short term convicts not taken by the counties were authorized to be leased to the highest bidder. On the farm the law directed that men and women, and whites and blacks, should be kept separate, and that boys under fifteen should be segregated, so as to prevent contact with hardened criminals. This system was established for five years from 1899.

The law sought in every way possible to protect the convict: wardens, physicians, inspectors, chaplains and guards were appointed and paid by the state. Minute specifications were laid down as to food, clothing and sleeping arrangements. In 1903 the system was extended to 1909.

### **Investigation and Abolition of the System**

Criticism of the system became so widespread as to lead to a legislative inquiry in 1908. Representative C. Murphey Candler, of DeKalb County, took the lead in the matter. It was proved that the wardens and guards, while in the pay of the state, had accepted additional salaries from the lessees of convicts; that far from safeguarding the interests of the state and of the convicts, they had become the

servants of the lessees. Unusual and cruel punishment of convicts was also proved, as well as gross incompetence and mismanagement in the conduct of the prison farm. Public sentiment, therefore, demanded the abolition of the leasing system; and the Act of 1908 carrying into effect the will of the people has as its underlying principle this statement: "The control and management of its (the state's) convicts, both felony and misdemeanor, shall never pass from it and its public officials into the control and management of any private corporation or person." This act provided for the continuation of the prison farm for aged and infirm males, females and boys under fifteen, and directed that all able-bodied convicts be turned over to the counties for use on the public roads.

### **The Good Roads Movement**

Aside from the humanitarian aspect of the matter, which was the decisive consideration, the reform of the convict system has had a most important economic result. The counties, with this cheap labor available, began at once to improve their roads. Interest in better highways has grown so rapidly as to place Georgia in the front rank in this respect. Recent statistics showed that in 1912 only New York state constructed more mileage of improved roads than Georgia. The School of Engineering of the University of Georgia, of which Professor Charles





AN IMPROVED ROAD.

M. Strahan is the head, has been most active in coöperating with the county authorities, and recently a road expert has been added to his staff, who gives his entire time to furthering the cause of good roads.

### The Prohibition Law

A measure of far-reaching significance is the Act of 1907 prohibiting the sale or manufacture of spirituous liquors in Georgia. Representative L. G. Hardman, of Jackson County, was largely responsible for the passage of the act. The inability of the state under federal law to control shipments of intoxicants from "wet" states, and the strong sentiment adverse to prohibition in the cities, have made the enforcement of the law very difficult. The Webb Act, passed by Congress in 1913, is intended to remedy this situa-

tion by prohibiting the railroads from carrying into a dry state liquors to be used in violation of state law. Prohibitionists hope this measure will be of material assistance in their effort to enforce the law.

### **Disfranchisement Amendment, 1908**

In 1908 Georgia followed the example of other Southern states in adopting a constitutional amendment placing certain restrictions about the exercise of the privilege of voting. The purpose of the amendment was to disfranchise the negroes, the majority of whom are unfitted for exercising the suffrage. If properly enforced, without regard to race, this amendment would be of great benefit in teaching the uneducated and thriftless classes that the suffrage is not to be considered as a financial asset, but a privilege to be won by the acquisition of property or by the acquiring of at least a modicum of learning. The provisions of this amendment will be given in the appendix (see p. 380).

### **Reform in the Administration of the Tax Laws, 1913.**

The most important legislative measure of many years was the passage in August, 1913, of the Lipscomb-Anderson-Miller Bill, revising the administration of the tax laws. The bulk of our state revenue is raised from what is known as the general property tax. Every year property owners "return for taxation" their possessions, both real and personal. They

go before the tax receiver and state under oath the amount of taxable property they own. This has proved a poor way of raising revenue, because property owners almost invariably give in their property at a small percentage of its real value, and often fail entirely to return certain forms of property. Except in a few of the more important cities and towns, there has heretofore been no way of checking up the returns of individuals, or of equalizing the returns as between counties. In some counties, for instance, land is returned at twenty dollars per acre, whereas in adjoining counties, where the land is equally as good, it is returned at from two to five dollars per acre. Responding to a widespread demand for a fairer enforcement of the law, the legislature in 1913, after a long struggle, passed a bill to revise the system. The bill created a Tax Commissioner,<sup>1</sup> with offices in the capitol, charged with the general oversight of the system of taxation, and especially with the duty of equalizing the returns from the different counties. Furthermore, in the several counties the Board of County Commissioners (or where there is no such Board the Ordinary) is directed to appoint three freeholders as tax assessors. They are expected to supervise the returns of the individual property owners and to search for concealed sources of

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<sup>1</sup> Governor Slaton immediately after signing the bill appointed Judge John C. Hart, of Greene County, as the first Tax Commissioner—a very fortunate choice.

revenue. This bill is a noteworthy step in the right direction. Especial credit for its passage is due to Representative Frank A. Lipscomb of Clarke County.

## RECENT POLITICAL HISTORY

### The Solid Democracy, 1870-1890

We have seen how in the disintegration of political parties in the decade preceding the Civil War the masses of Northern voters entered the Republican Party, while practically all Southerners became Democrats. The unfortunate conditions immediately after the War made it necessary for the white men of the South to act together in politics in order to free the South of negro and carpet-bag domination: Democratic success meant home rule by the best element of our people. As time went on, the necessity for this political solidarity became less urgent, but sentiment has served to prevent the development of a strong Republican following in the state.

### The People's Party, 1890-1898

Only during the nineties has there been a serious break in the Democratic Party in Georgia. During that period of great agricultural depression, a movement known as the Farmers' Alliance sprang up, the purpose of the organization being to obtain government aid for the farmers. In 1890 the organization

was strong enough to elect William J. Northen<sup>1</sup> to the governorship. Early in the nineties the Farmers' Alliance and other similar organizations united and formed the People's Party, sometimes referred to as the Populist Party or the Third Party. Their candidate for President in 1892 polled a heavy vote in Georgia, and W. L. Peek, of Conyers, People's Party candidate for governor, received about one-fourth of the total vote cast. Thomas E. Watson, congressman from the Tenth District, ran for reelection as a Populist, and after a bitterly contested election, was defeated by J. C. C. Black, of Augusta. In 1894 J. K. Hines, of Atlanta, was the gubernatorial candidate of the People's Party, and though defeated by William Y. Atkinson, the Democratic nominee, he polled forty-two per cent of the total vote. Governor Atkinson was reelected in 1896 over the Populist candidate, Seaborn Wright, of Rome. Wright polled about forty per cent of the total vote. On the national

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<sup>1</sup> William Jonathan Northen (1835-1913) was born in Jones County, Georgia. After being graduated from Mercer University in 1853, he devoted himself to teaching for twenty years, and throughout his life was keenly interested in educational affairs. Retiring from teaching in 1873, Mr. Northen became a farmer and at once took a leading part in organizations looking to the betterment of farm conditions. His political career began in 1877. He served in the house of representatives and state senate, and was governor for two terms, 1890 to 1894. It was largely through his efforts that the State Normal School was established. In addition to the other activities of his very busy life, Governor Northen was an earnest worker for immigration; and for many years was President of the Baptist State Convention.

People's Party ticket, Thomas E. Watson was the candidate for vice-president. Though unsuccessful at the polls, the People's Party powerfully affected the Democratic Party, which adopted many planks in the Populistic platform and enacted legislation carrying into effect the new party's demands. This fact and the return of prosperity in the late nineties resulted in the decline of the Populistic movement; and the Democratic candidate in 1898, Allen D. Candler, was overwhelmingly elected over J. R. Hogan, the Populist candidate.

### The Smith and Brown Factions

On the disappearance of the People's Party the Democrats resumed their former dominant position. During the last six or seven years the party has been divided into two well-defined wings, led by Hoke Smith and Joseph M. Brown, respectively. The situation recalls the era of the Troup and Clarke Parties in the twenties. Hoke Smith<sup>1</sup> was elected

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<sup>1</sup> Hoke Smith was born in 1855 in North Carolina. He was educated by his father, who was a professor in the University of North Carolina. He became prominent in Democratic councils, and on Cleveland's second election was appointed Secretary of the Interior. After having been twice governor of Georgia, Mr. Smith went to the United States Senate, succeeding Senator Joseph M. Terrell, who had been appointed by Governor Brown to fill the vacancy caused by the death of Senator A. S. Clay. Governor Smith's administration was characterized by some notable reforms, such as the reorganization of the Railroad Commission, the disfranchisement of the negroes, and the reform of

governor in 1907 on a platform advocating more effective regulation of railroads and other corporate interests. During his administration he removed from office Joseph M. Brown,<sup>1</sup> who was a member of the State Railroad Commission. Ex-Commissioner Brown then offered for the governorship and after an exciting campaign defeated Senator Smith in the contest of 1909. The fight was continued at the next election, and Smith was successful. He resigned, however, in a few months to become United States Senator. At a special election held to fill the unexpired term, Governor Brown had no opposition. At the Fall election of 1912, former President of the Senate John M. Slaton<sup>1</sup> was elected governor without opposition.

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the convict system. As United States Senator, he is one of the leaders on the Democratic side. His principal interest is in the enactment of measures looking to the governmental assistance of the farming element of the country.

<sup>1</sup> Joseph M. Brown was born at Canton, Georgia, in 1851. He is a son of Joseph E. Brown, governor during the Civil War. For seventeen years Governor Brown was connected with the Western and Atlantic Railroad, as general freight and passenger agent and traffic manager. From 1904 to 1907, he served as a member of the State Railroad Commission. His two terms as governor were from 1909 to 1911 and from January, 1912, to June, 1913. Governor Brown has found time in the midst of a busy life to produce several works of a historical and literary nature, the most important of them being his "Mountain Campaigns in Georgia," during the Civil War.

<sup>1</sup> John M. Slaton was born in Meriwether County, Georgia, in 1866. He was graduated from the University of Georgia in 1886 and soon went into politics. He was a member of the House

## Summary

The post-bellum period of Georgia history has been one of marvellous progress. Not only in material development, but in educational and social reform the state has made notable strides. A system of free public schools has been in successful operation for forty years, the effect of which is seen in the greatly lowered percentage of illiteracy; the institutions of higher learning have been revolutionized, and many new ones established to teach science and engineering; normal schools for the training of teachers have been opened in all sections of the state, and they are full to overflowing. There has been a real awakening of interest in scientific agriculture, a movement carefully encouraged by federal and state governments. Fundamentally important reforms have been carried out, such as the abolition of the convict leasing system, the enactment of state-wide prohibition, the disfranchisement of the ignorant and thriftless element of the population; and the reform in the administration of the tax law. All these changes and developments are rapidly placing Georgia in the forefront of progressive states.

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of Representatives for thirteen years, serving as speaker four years. He was also a member of the senate for four years, and held the position of President of the body. His term as governor began in June, 1913. While in the legislature Governor Slaton favored the abolition of the convict system; abolition of free passes over railroads; establishment of agricultural high schools, and many other important measures.



Georgians can but point with pride to the quick recovery and wonderful progress the state has made since the upheaval of the sixties.

*Additional Reading.*

Material progress: Bulletins of the United States Census of 1910, on Agriculture, Population and Manufactures in Georgia. Education: Report of the State Superintendent of Schools, 1911 (see Letter of Transmittal). Country Life Problems: Publications of the Georgia Club of the State Normal School (Professor E. C. Branson, Athens, Ga.).

## CHAPTER XXVII

### SOME GREAT GEORGIANS

For ages it has been the common practice of historians to confine their writings to political and military history. Great statesmen and military leaders have tended to monopolize the attention of the world, to the exclusion of men whose accomplishments, though less full of incident and less brilliant, are by no means less fundamentally important. It would be most unfortunate if students should come to feel that undying fame cannot be won except in the council room or on the battle field. In science, literature, journalism, education, and law, Georgia has produced men of eminence. Within a single brief chapter it is impossible even to refer by name to all the men whose memories should be kept alive. Some half dozen names, however, stand out clearly in the several professions mentioned.

#### **Crawford Williamson Long (1815-1878)**

Dr. Long ranks first among Georgia's men of science, his fame being due to his discovery of the effects of sulphuric ether in deadening pain. Dr. Long was born in Madison County, Georgia. When old enough to go to college, young Long matriculated

at the University of Georgia, and while there was a room-mate of Alexander H. Stephens. It is an odd coincidence that these two men were after many years selected as Georgia's representatives in Statuary Hall at Washington.

Being graduated from the University in 1835, and having decided on medicine as a profession, Long entered the University of Pennsylvania, and was graduated from the medical department in 1839. He returned to Georgia and located at Jefferson, Jackson County. At that time "nitrous oxide parties" were a popular social diversion. Persons inhaling this gas became hilarious and amused the spectators by their antics. Dr. Long tried sulphuric ether and found that it had the same effect. He made the discovery that young men were apparently unconscious of bruises and hurts received while under the influence of the ether, and this suggested the possibility of giving the ether to patients before performing surgical operations. In 1842 he removed a tumor from the neck of a patient to whom ether had been administered. This was the first use of anaesthetics in surgery.

Other physicians, Wells, Jackson and Morton were experimenting along the same line, and all seem to have made independent discovery of the principle of anaesthesia. But Dr. Long's discovery preceded theirs, and though a long and angry discussion followed, the medical world now acknowledges the

Georgia physician's priority. The University of Pennsylvania has recently erected a tablet to Long's memory, proclaiming him as the discoverer of anaesthesia, and a monument to him has been erected in one of the streets of Paris.

It need scarcely be said that no more important discovery has ever been made than this. Few surgical operations of importance are now made until ether has been administered. How many lives have been saved, how much pain has been quieted by this contribution of a Georgia physician to the science of medicine!

### **Sidney Lanier (1842-1881)**

While Georgia has been more prolific of men of action than of literary geniuses, some of our poets and prose writers have won more than local fame. Of the poets, Sidney Lanier is immeasurably the greatest. Working under the disadvantages of ill health and poverty, it is remarkable how much he accomplished in his brief life of thirty-nine years. Lanier ranks first not only among Southern poets, but is rapidly obtaining recognition as perhaps the greatest of American poets. Oddly enough, Southerners are much more familiar with even the second-rate poets of other sections than with their own Lanier. In addition to his wonderful skill in putting his thoughts into verse form, Lanier was an able prose writer, an accomplished musician and a lec-

turer on English literature. He was the author of several volumes of prose, was considered one of the best flute players in America while playing in the Peabody Symphony Orchestra at Baltimore, and lectured for a time on English literature at the Johns Hopkins University.

Lanier's message was to all mankind. He rose above merely local interests, and appealed to the mind and heart of the race. The most noted of his poems are "The Marshes of Glynn" and the "Song of the Chattahoochee," which immortalize two widely different physical characteristics of Georgia; the "Symphony," "Corn," and "Sunrise."

### **George Foster Pierce (1811-1884)**

Renowned as Georgia's most famous preacher and one of her leading educators, Pierce was graduated at eighteen from the University of Georgia. He became a Methodist circuit rider, the only college trained man in the conference at the time he joined. While still a very young man, Mr. Pierce was regarded as one of the leading men in his profession. His advancement was rapid, the Bishopric being attained at the age of forty-three.

Wesleyan Female College at Macon has the distinction of being the oldest chartered female college with the power to confer degrees. When it was opened in 1839, Mr. Pierce, then only twenty-eight years old, became its first president. The institution

became involved in financial difficulties, and Pierce resigned to canvass for funds for it. He succeeded in having the institution bought by the Methodist Conference, and it has since been under the control of that church, though originally intended as an unsectarian college. Nine years later (1848), Mr. Pierce became president of Emory College, retaining this post until his election as Bishop in 1854. After the Civil War, Emory was in a thoroughly disorganized condition. Bishop Pierce again took the helm and revived the institution.

The esteem in which Bishop Pierce was universally held is indicated by the words of General Robert Toombs: "Bishop Pierce was the greatest man I ever knew. He was the most beautiful in person, the purest in morals, and the greatest in intellect."

### Henry Woodfin Grady (1851-1889)

What other Georgian now occupies so firm a place in the affections of our people as Henry Grady! Born during the excitement of the Compromise of 1850, his early youth was spent in the midst of preparations for war, listening to tales of battle, and later to harassing accounts of Reconstruction. That his mission in life should have been to restore cordial relations between the North and South is amazing in view of the bias his youthful mind must have received.

Born in Athens, Henry Grady matriculated at the University of Georgia and was a member of the class of 1868; and later he took a course in the University of Virginia. At both institutions he made a reputation as an orator. Choosing journalism as a profession, Mr. Grady went to New York to seek a position. We let him tell his own experience when he applied to the *New York Herald*: "The *Herald* manager asked me if I knew anything about politics. I replied that I knew very little about anything else. 'Well then,' he said, 'sit at this desk and write me an article on State Conventions in the South.' With these words he tossed me a pad and left me alone in the room. When my taskmaster returned I had finished the article and was leaning back in my chair with my feet on the desk. 'Why, Mr. Grady, what is the matter?' asked the managing editor. 'Nothing,' I replied, 'except that I am through.' 'Very well,' he said, 'leave your copy on the desk, and if it amounts to anything I will let you hear from me. Where are you stopping?' I replied, 'At the Astor House.'

"Early next morning, before getting out of bed I rang for a bell boy and ordered the *Herald*. I actually had not strength enough to get up and dress myself until I could see whether or not my article had been used. I opened the *Herald* with trembling hand, and when I saw that 'State Conventions in the South' was on the editorial page I fell back

on the bed, buried my face in the pillow and cried like a child. When I went back to the *Herald* office that day the managing editor received me cordially and said: 'You can go back to Georgia, Mr. Grady, and consider yourself in the employ of the *Herald*.' "

Mr. Grady returned to Georgia and was at once offered a place on *The Atlanta Constitution*, a position which did not interfere with his duties as correspondent for the *Herald*. He made the *Constitution* the greatest of Southern newspapers. His reputation as a journalist and orator grew with every year, and in 1886 he was honored by an invitation to address the New England Society. His subject was "The New South." It may well be doubted whether any speech delivered in the United States since the Civil War has commanded such attention from the nation. It was a powerful plea for a reunited country, and had a wonderful effect in softening the hearts of men in the two sections. After this speech, Grady was constantly in demand as an orator, and delivered many notable addresses, one of the most famous of which was delivered in Boston a few months before his death, in his thirty-eighth year. On his tombstone are these words: "When he died he was literally loving a nation into peace."

Joel Chandler Harris (1848-1908)

Among our prose writers several men would re-



ceive attention in a more extended work than this. Judge A. B. Longstreet, author of "Georgia Scenes"; Charles H. Smith, better known as "Bill Arp"; Richard Malcolm Johnston, who, in interesting novels, has sketched Middle Georgia life of half a century ago; Charles Colcock Jones, whose history of Georgia has been pronounced the best of the state histories; Will N. Harben, whose stories of the Georgia mountaineers have won for him a nationwide audience: the works of these and many others should be familiar to every Georgia boy and girl. We are all, happily, familiar with the wonderful stories of Joel Chandler Harris. Only he and Sidney Lanier have won the recognition of the world at large.

Born and reared in the Black Belt of Georgia, Mr. Harris had a keen appreciation of the oddities of negro character and no one has ever equalled him in reproducing the negro dialect. His *Uncle Remus* and other books are read in every land where English is spoken. "The Wren's Nest," Mr. Harris's home in Atlanta, has been bought by popular subscriptions and is to be preserved as a memorial to the great humorist. In addition to his dialect stories, Mr. Harris was the author of several works in more serious vein, among others a charming little volume called "Stories of Georgia," to which references are made in the Additional Readings of this book; and a biography of Henry Grady.

**Logan Edwin Bleckley (1827-1907)**

In Georgia the law has always been most alluring to men of conspicuous ability. Sketches of many of the eminent lawyers of the state have been given in their appropriate places. Many others might be mentioned, such as Eugenius A. Nisbet, chairman of the Committee that drew up the Ordinance of Secession in 1861; Francis S. Bartow, killed in the first battle of Manassas; Joseph H. Lumpkin, first Chief Justice of the Supreme Court of Georgia; Joseph R. Lamar, appointed by President Taft as Associate Justice of the Supreme Court of the United States; Charles F. Crisp, Speaker of the National House of Representatives, in the 53rd Congress; Walter B. Hill, who gave up his practice to become Chancellor of the University and restore the institution to its rightful position in the state; Augustus O. Bacon, United States Senator since 1894. Members of the bar themselves, however, would probably agree that former Chief Justice Logan E. Bleckley was the most accomplished jurist the state has produced.

Judge Bleckley was born in Rabun County, Georgia. Frail and sickly, young Bleckley cared little for the ordinary pleasures of boys of his age, but devoted himself to hard study. He had no money to pay for a school or college education, or even to buy books. Nevertheless he prepared himself to stand the bar examinations and was admitted to practice in 1846. There was but little to do in his remote

mountain county, and he was forced to suspend his practice and take employment as a bookkeeper for the State Railroad. He later became one of the governor's secretaries; and in 1864 was made a Supreme Court reporter. In 1875 he was appointed to the Supreme Court, but the work proved too severe and he retired five years later. He was subsequently made Chief Justice and held the office until his final retirement in 1894. It was as a Supreme Court Justice that Bleckley made his name famous. He not only had one of the keenest legal minds in America, but through long and painful toil acquired a masterly literary style. Judge Bleckley made an extraordinary impression on the lawyers who practiced in his court. A poet of no mean ability; bubbling over with wit and humor; profoundly versed in legal principles, he ranks as one of the great jurists of our time. Some of his decisions have been given a place in the compilation known as "Great Decisions by Great Judges."

Mr. Justice Lamar in a sketch of Judge Bleckley says that his opinions "are the most quotable extant, and sparkle, not with an occasional, but with a multitude of sayings—pithy, humorous, wise; couched in language so perfect that they charm both the layman and the lawyer. \* \* \* But Judge Bleckley's reputation does not rest upon his brilliant sentences. They are but the flashes of his genius. His sure and national reputation as a great judge rests upon the sol-

idity of his learning, his profound knowledge of the law, and the value of his opinions contained in the Georgia Reports.”

*Additional Reading.*

Crawford W. Long: Harris, Joel Chandler, *Stories of Georgia*, 170-173; The Literature of Georgia: Smith, C. H., *History of Georgia*, chapter XXXVIII; Sketches of Long, Lanier, Pierce, Grady and Bleckley: Northen, W. J., *Men of Mark in Georgia*, II, III, IV.

## APPENDIX I

### CIVIL GOVERNMENT OF GEORGIA<sup>1</sup>

#### Constitution of 1877<sup>2</sup>

The Constitution under which we now live was adopted in 1877. As soon as the carpet-bag government was overthrown, a demand arose that a new Constitution be made by the white people of the state. Many iniquities had been practised under the Constitution of 1868, prepared by adventurers and negroes. The state had become liable for millions under the constitutional provision permitting state

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<sup>1</sup> McPherson, J. H. T., *History and Civil Government of Georgia*. Contains a full description of the civil government of the state.

<sup>2</sup> *The War Constitutions*. On seceding from the Union in 1861, the people of Georgia adopted a new Constitution, in order that the fundamental law of the state might conform to her position as an independent state in the Southern Confederacy. There were no changes of special interest. The second war Constitution was adopted in 1865, during the Presidential Reconstruction. The most notable changes were the abolition of slavery, and the provisions for securing civil rights to the freedmen. The third of the revolutionary constitutions was prepared by the convention summoned by General Meade, military governor, in 1868. The right of suffrage was conferred on the blacks; free schools were established and a provision made for their maintenance; the term of office of the governor was extended from two to four years; the endorsement of railroad bonds by the state was made legal; as well as the unlimited issue of bonds for educational purposes.

endorsement of railroad bonds. The following paragraphs are an analysis of the government of Georgia as found in the last Constitution and the amendments adopted from time to time.

### Bill of Rights

The first Article of the Constitution is called the Bill of Rights. In it the people are guaranteed those fundamental rights which our English ancestors and colonial fathers fought to secure. Such privileges are the right to trial by jury; the right of a person charged with crime to have a copy of the accusation and a list of the witnesses on whose testimony the charge is brought; the right to the writ of *habeas corpus*; the right of religious freedom, of freedom of the press and free speech. The Bill of Rights protects the citizen from arbitrary arrest and his person and property from arbitrary search. So accustomed are we to the enjoyment of these rights, they seem so ordinary and commonplace, that it is almost impossible for us to understand that many centuries of agitation and bloodshed were the price paid by our ancestors for these inestimable privileges. The possession of them makes us a civilized nation, for such rights do not exist in barbarous, semi-civilized, or despotically governed countries.

### The Elective Franchise

Just as precious a right as any we enjoy is that of self-government. The Constitution creates a ma-

chinery of government, described below, and provides for certain officers to conduct this government. The people control the officers through the exercise of the ballot or franchise. Should the elected officers undertake to infringe on any rights of the people, they may be turned out of office.

Before the Civil War the individual states made any laws they desired in the matter of voting. Exercising such control, Georgia had extended the right of suffrage only to white men over twenty-one years of age. But the Fifteenth Amendment to the Federal Constitution requires that no distinction in this matter be made on account of race, color or previous condition of servitude. Hence the negroes of Georgia became electors. In 1908, Georgia adopted an amendment to the constitution with the purpose of disfranchising the negroes, the vast majority of whom regarded the franchise as a financial asset. It is evident from the terms of the law that all negroes are not disfranchised. The possession of a small sum of money or of the rudiments of an education restores the ballot to many worthy negroes. Ignorant and thriftless whites are allowed to vote under clause (c) of the amendment. If this provision were struck out and the whole law applied justly to whites and blacks, it would have a salutary effect in creating in the minds of the people respect for the ballot. As the law now stands, a stimulus is given the negroes to acquire property and education; but no such in-

centive is held out to the whites, of whom a large element do not understand the proper use of the ballot. The following is now the suffrage law:

1. Males who are citizens of the state and of the United States, not less than twenty-one years of age, and not disqualified by any provision of the law, are electors.

2. Before being entitled to register and vote, one must have resided in the state a year next preceding the election and in the county in which he offers to vote at least six months; must have paid all taxes required since the adoption of the constitution of 1877; and such payment of taxes must be made at least six months prior to the election at which he proposes to vote, except when such election is held within six months from the expiration of the time fixed by law for the payment of taxes.

3. In addition to the two clauses above, the prospective voter must fall within at least one of the following five classes (Amendment of 1908):

a. He must have served honorably in some war in which the United States has engaged or in the War Between the States; or

b. Be lawfully descended from some veteran; or

c. Be of good character, and understand the duties and obligations of citizenship under a republican form of government; or

d. Be able to read correctly in English any paragraph of the Constitution of the United States or of



this state, and write the same correctly in English; or

e. Own at least forty acres of land situated in this state, upon which he resides; or be the owner of property in this state, assessed for taxation at not less than five hundred dollars.

The suffrage is withheld from persons convicted of crimes involving moral turpitude, unless they have been pardoned; and from idiots and insane persons.

Clauses (a) and (b) of paragraph 3 are only temporary. The right to register under them ceases on January 1, 1915, so that the "grandfather" feature of the suffrage law will in time be inoperative.

### **The Three Branches of Government**

The government created by the Constitution consists of an Executive, a Legislative, and a Judicial Department. The Executive is the Governor, Secretary of State, Comptroller-General, Treasurer, and a number of administrative Boards, such as the Prison Commission and the Railroad Commission. The Legislative consists of a Senate and a House of Representatives; while under the Judiciary come the Supreme Court, the Court of Appeals, the Superior Courts, and certain inferior courts.

## **EXECUTIVE DEPARTMENT**

### **The Governor**

The Governor is elected by popular vote for a term of two years. He may run for re-election, but

after a second term is not again eligible until after the expiration of four years. Residence in the United States for fifteen years and in Georgia six years are required of the Governor; and he must be not less than thirty years of age. The salary is \$5,000.00 per annum. The duties of the Governor are many and important. He is commander-in-chief of the military forces of the state; has power to grant reprieves and pardons, except in cases of treason and impeachment; is empowered to fill by appointment many important offices, and to fill unexpired terms in some elective offices, such as the United States Senatorship. The Governor possesses a restricted right of veto over all legislation. A two-thirds vote of both houses of the Legislature sets aside his veto.

### The Secretary of State

The Secretary of State performs many important duties, among which may be mentioned the duty of preserving the original acts and journals of the Legislature, as well as other public documents; he is also keeper of the Great Seal of the State.

### The Treasurer

The Treasurer receives all money due the state. He disburses funds on the order of the Governor, countersigned by the Comptroller-General. Since 1907 the Treasurer has had added to his duties that of examining the banks of the state.

## **The Comptroller**

The Comptroller-General is the Auditor of the state. All accounts against the state must be approved by him before payment and he countersigns all vouchers on the Treasury. He also has oversight over the collection of taxes, one of the most important functions of government. He is required to submit annually to the Legislature a schedule of all appropriations made during the current year, and a set of tables showing the taxable property of the state, both real and personal. Property of whites and negroes is separately listed.

In addition to these manifold duties, the Comptroller-General, as State Insurance Commissioner, has general oversight over all insurance companies doing business in Georgia.

## **Other Executive Officers and Boards**

In addition to the above officers, there is a State Superintendent of Schools, an Attorney-General, a Railroad Commission, a Commissioner of Pensions, a Prison Commission, a State Board of Health, a Commissioner of Agriculture, a Labor Commissioner and other Boards. The functions of these offices are fairly obvious from the names.

## **LEGISLATIVE DEPARTMENT**

### **The Senate**

Georgia is divided into forty-four districts of three or four counties each. Each district elects a Senator

for a term of two years. Senators must not be less than twenty-five years of age, must have resided in the state four years and in the district one year. A president of the Senate is elected by *viva voce* vote from among the Senators. In case of the death or resignation of the Governor, the president of the Senate (or in case of his death, resignation or disability, the Speaker of the House of Representatives) becomes the acting governor, but it is his duty immediately to order an election for the unexpired term, to be held not less than thirty nor more than sixty days after he enters upon the discharge of the duties of the office. The Senate has the sole right to try impeachments.

### The House of Representatives

The House of Representatives consists of one hundred and eighty-four members, distributed as follows: The six counties having the largest population are entitled to three members each; the next twenty-six counties in rank have two members each, and the remaining one hundred and sixteen counties one each. The Census of 1910 shows that Fulton, Chatham, Richmond, Bibb, Muscogee and Floyd are the six largest counties.

This system of representation is open to criticism on the ground that the large counties are not adequately represented. For instance, Fulton County has a population of 177,733. The combined popula-

tion of Rabun, Towns, Union, Fannin, Lumpkin, Habersham, White, Gilmer, and Dawson counties is considerably less than half of Fulton's population. Yet these nine small counties have three times the weight in our Legislature as has Fulton County, notwithstanding Fulton's predominance in wealth and intelligence. This is a defect that ought to be remedied. The easiest way to do this would be to give the cities representation as well as the counties. The first constitution of Georgia, 1777, allowed Savannah four representatives in addition to those of Chatham County; there is no valid reason against this plan.

The Legislature meets in Atlanta on the fourth Wednesday in June each year and sits for fifty days, including Sundays, but a practice has grown up of taking a recess and declaring by resolution the days during which the General Assembly is not in session, "dies non," by which means the session is frequently prolonged beyond the constitutional period of fifty days. This practice is of somewhat doubtful legality, and it is even more questionable whether a Sunday can be declared to be "dies non." The range of topics on which the Legislature may enact laws is extremely wide, but many restrictions are imposed by the Constitution.

### **Privileges of the Legislature**

Each House is judge of the election returns of its members, and has power to censure, fine, imprison

or expel members at its pleasure. Either House may imprison any person who may be guilty of contempt of the House. Members are free from arrest during attendance on the general assembly, except for treason, felony or breach of the peace.

### **Process of Law-making**

Legislation may originate in either House, except in the case of money bills, which always originate in the House of Representatives. Proposed legislation comes before either house in the shape of a "bill," which must be read on three different days. On the first reading, the bill is usually referred to one of the standing committees. When the committee reports the bill, it is read the second time. If the committee's report is adverse, the bill is usually debated and disposed of at once; if the committee's action is favorable, the bill is held off for a third reading, when it is debated, and a vote taken. If the measure is passed, it is sent to the other House, where the same process is repeated. After both Houses have passed the measure, an "enrolled copy" is made and signed by the presiding officers of both Houses. It is then entered on the journals and sent to the Governor. Three courses of action are open to the Governor: He may sign the bill, in which case it becomes law; he may veto and return it to the Legislature, with his reasons for disapproval; or he may take no action whatever. Should he neither sign nor

veto, the bill will automatically become law at the expiration of five days, unless the Legislature has adjourned in the interim. Should such adjournment occur, the bill is defeated—a process known as a “pocket veto.”

## THE JUDICIARY

### The Supreme Court

The Supreme Court was first established in 1845. It consisted of three justices, but an amendment of 1896 increased the number to six. This amendment also took from the Governor the appointive power and subjected the office to popular election. The term of the office is six years. The function of the Supreme Court is to correct errors of law and in equity in all of the lower courts over which the Court of Appeals has not exclusive appellate jurisdiction.

### The Court of Appeals

The Court of Appeals was created by an amendment of 1906. It consists of three judges. This court was established to relieve the pressure of work on the Supreme Court, and is of equal authority with it, except that the Supreme Court has exclusive jurisdiction over cases involving interpretation of the Constitution. Appeals from city courts lie direct to the Court of Appeals.

### Ought Judges to be Elected

Grave difference of opinion is to be found among students of government as to whether judges should

be elected by popular vote or be appointed by the executive. There are obvious objections to either method, but the weight of opinion seems to be that judges should be removed as far as possible from the temptation to mould their decisions in accordance with their political welfare. In this connection the history of Courts in Georgia is highly interesting. The Constitution of 1861 placed the appointment of Supreme Court and Superior Court Judges in the hands of the Governor, with the advice and consent of the Senate. The next Constitution, 1865, restored the election of the Supreme Court justices to the Legislature and of Superior Court judges to the people of the circuit—the system in operation prior to 1861. In 1868 the Governor was again given the appointive power for both Supreme and Superior Court judges; in 1877 the Constitution placed the election of both classes of judges in the hands of the Legislature; and in 1896, both Supreme and Superior Court judgeships became subject to popular election.

### Superior Courts

For judicial purposes, Georgia is divided into twenty-five circuits, consisting of from one to ten counties each. There is one judge to each circuit, except the Atlanta Circuit, which has three judges. Superior Courts in most of the counties convene twice each year in regular session, though in a few counties there are from four to six regular sessions.



The Judges and Solicitors-General are elected by the people for four year terms. These courts have a wide jurisdiction, including divorce cases, criminal actions where the penalty is death or imprisonment in the penitentiary; litigation involving land titles, and equity cases. They also entertain appeals from lower courts, except the city courts.

## LOCAL ADMINISTRATION

### The County

While our laws are made by a central legislative body, the administration of these laws is largely in the hands of county officials. In no way has the Anglo-Saxon genius for politics more admirably manifested itself than in the development of local government. Each one of the one hundred and forty-eight counties in Georgia has a regular form of government, with officers in the main elected by the people of the county. The powers of these officers are principally administrative and judicial.

### The Ordinary

The most important of the county officers is the Ordinary. He is both a judicial and administrative officer. He has exclusive jurisdiction over all matters concerning the probate of wills; issues letters testamentary, letters of administration, guardianship and executorship, and preserves the annual returns of such trusteeships; grants marriage licenses; and

records homesteads and exemptions. The Ordinary's administrative duties amount to a general supervision and control of all the property of the county, such as buildings, roads and bridges. He examines and audits the accounts of other county officers.

In many counties the administrative duties of the Ordinary have been placed in the hands of a Board of Commissioners of Roads and Revenues, thus relieving the Ordinary of some of his many duties, and making for greater efficiency.

### **County Court**

This court has jurisdiction in all civil cases where the amount involved does not exceed five hundred dollars; and in criminal cases in which the punishment is not death or confinement in the penitentiary. Sessions are held monthly. The Judge and Solicitor are appointed by the Governor for four years. Appeals lie to the Superior Court.

Some counties have "City Courts" instead of County Courts. The City Court has jurisdiction over all cases in which exclusive jurisdiction is not vested in other courts, and appeals are made direct to the Court of Appeals.

### **Clerk of the Superior Court**

The records of the Superior Court are kept by a Clerk. He is charged also with the important duty of keeping records of all transfers of real and personal property.

## **Tax Receiver**

This officer is charged with the duty of receiving from all property owners annual statements of the amount and kinds of their property. When the returns are in, three digests are made. One of these is sent to the Comptroller-General of the state, who on the basis of this information levies the state tax, another goes to the Ordinary, who fixes the rate of the county tax; while the third is put in the hands of the tax collector. In addition to these financial duties, the tax receiver collects statistics relating to acreage planted, acreage of wild lands, and products of manufactories. He also registers the number of children of school age.

## **Juries**

Jurors are chosen by Jury Commissioners, selected by the Judge of the Superior Court for six year terms. They revise the jury list every second year. From the books of the tax receiver, the Commissioners select a large number of men for service as jurors. Lists for Grand Jurors and Petit Jurors are made separately. From the lists thus prepared the Judge of the Superior Court draws the Grand and Petit Jurors for each term of court. The Petit Jurors perform general jury duty in the trial of civil and criminal cases in the Superior Court. The Grand Jury, consisting of not less than eighteen nor more than twenty-three men, meets every year for

the purpose of auditing the books of county officials and inspecting the general affairs of the county. The Grand Jury advises the Ordinary in fixing the amount of the county tax. It is also charged with the duty of presenting for trial all persons whom they believe to be guilty of violation of law.

### Other County Officers

Among other county officers are the Sheriff, Coroner, Tax Collector, County Surveyor, County Board of Education, and County School Superintendent.

## THE MILITIA DISTRICT

For election and judicial purposes the County is subdivided into Militia Districts. As the name implies, this division was formerly a military one as well, each district being so laid out as to include one company of soldiers. In each District there is a Justice of the Peace and a Notary Public, who is also an *ex-officio* Justice of the Peace. The former is elected by the people of the District, the latter is appointed by the Superior Court Judge. The Justice's Court sits once a month. Its jurisdiction extends in civil matters to amounts not exceeding one hundred dollars. It has no jurisdiction in criminal cases. The Justice is, however, a conservator of the peace, issuing warrants for the arrest of persons charged with violation of law. He holds what is known as a "commitment" trial. After hearing the

testimony in the case he may release, bail, or commit the prisoner to jail to await trial by the Superior or County Court.

## MUNICIPALITIES

Special problems of government arise where many people live together in towns and cities. Among these problems are "the preservation of order, the maintenance of health, the opening and repair of streets and sidewalks, the supply of water, and protection from fire." Indeed, municipal government is considered by some publicists to present more difficulties than either state or national government.

In Georgia any place having as many as twenty-five electors may apply for incorporation as a town. Application is usually made to the Legislature, though the Superior Courts may incorporate towns. The application contains the form of government desired by the people of the proposed town. Ordinarily a very simple government is first established, consisting of a mayor, who is the executive and judicial officer, and a council, which is the legislative body. Other officers may be appointed by the council. As the town grows in size and a more complex government is needed, amendments of the old charter are made by the Legislature, or a new charter is granted. In larger cities the mayor is purely an executive officer, the judicial part of his work being placed in the hands of a recorder. The coun-

cil or board of aldermen in cities is a large and unwieldy body, each ward in the city being represented; and many other officers become necessary, such as sanitary inspector, street commissioner, and superintendent of education. To assist the mayor in the administrative duties many boards have been created, such as the board of health, the board of education, police commission, park commission, and others. The officers have become so numerous with the growth of municipal activity, government has become so complex, the separation of legislative and administrative functions so pronounced, that some cities of the country have attempted to simplify government by abolishing the offices of mayor, councillor, and the several boards, and placing control in the hands of a small commission of about five members, who combine the legislative and executive functions, and providing machinery by which the electors can call the Commission to account, if they fail to perform their duties acceptably. This Commission form of government has not yet been introduced in any Georgia cities.

## CONGRESSIONAL REPRESENTATION

Georgia has two United States Senators, chosen for six year terms. Throughout the history of the nation, the Senators have been elected by the State Legislatures, but in 1913 an amendment to the Fed-

eral Constitution was adopted which transferred the election of Senators to the people.

In the House of Representatives each state has a number of representatives determined by its population. An Act of Congress passed in 1911 fixed the basis of representation at one member to every 211,877 inhabitants. Georgia became entitled, therefore, under the Census of 1910, to twelve representatives, and the Congressional districts have recently been rearranged so as to provide for an additional Congressman, Georgia having previously had only eleven representatives.

## FINANCES

The Constitution limits the power of the General Assembly over taxation to appropriations for the support of the state government, public institutions, education, interest on and redemption of the public debt; the suppression of insurrection, invasion, and for defense; and for pensions. An amendment of 1904 prohibited the levying of a higher rate of taxation than five mills on each dollar's worth of property liable for taxation. Under the present law the principal sources of revenue, as shown by the Comptroller-General's Report for 1911 are:

General Property Tax.....	\$2,988,474.13
Railroad Tax .....	483,287.62
Rent Western and Atlantic R. R.....	420,012.00
Poll Tax .....	296,148.48
Near Beer Licenses.....	248,855.00
Insurance Tax .....	152,040.64
Miscellaneous .....	969,628.49
	<hr/>
	\$5,558,446.36

This total includes a temporary loan of \$200,000. More than half of the revenue was raised by a general tax on all real and personal property.



# GOVERNORS OF GEORGIA

## COLONIAL:

JAMES E. OGLETHORPE.....	1732
WILLIAM STEPHENS .....	1743
HENRY PARKER .....	1751
PATRICK GRAHAM (Acting).....	1753

## PROVINCIAL:

JOHN REYNOLDS .....	1754
HENRY ELLIS .....	1757
JAMES WRIGHT .....	1760

## PROVISIONAL:

ARCHIBALD BULLOCH, President .....	1776
BUTTON GWINNETT, President .....	1777

## STATE:

JOHN A. TREUTLEN.....	1777
JOHN HOUSTON .....	1778
JOHN WEREAT .....	1778
GEORGE WALTON (Acting).....	1779
RICHARD HOWLEY .....	1780
GEORGE WELLS (Acting)....	1780
STEPHEN HEARD (Acting)....	1781
NATHAN BROWNSON.....	1781
JOHN MARTIN.....	1782
LYMAN HALL .....	1783
JOHN HOUSTON .....	1784
SAMUEL ELBERT .....	1785
EDWARD TELFAIR .....	1786
GEORGE MATTHEWS .....	1787
GEORGE HANDLY .....	1788
GEORGE WALTON .....	1789
EDWARD TELFAIR .....	1790
GEORGE MATTHEWS .....	1793
JARED IRWIN .....	1796
JAMES JACKSON .....	1798
DAVID EMANUEL .....	1801
JOSIAH TATNALL .....	1801
JOHN MILLEDGE .....	1802
JARED IRWIN .....	1806

DAVID B. MITCHELL.....	1809
PETER EARLY .....	1813
DAVID B. MITCHELL.....	1815
WILLIAM RABUN .....	1817
MATTHEW TALBOT, President of Senate .....	1819
JOHN CLARK .....	1819
GEORGE M. TROUP.....	1823
JOHN FORSYTH .....	1827
GEORGE R. GILMER.....	1829
WILSON LUMPKIN .....	1831
WILLIAM SCHLEY .....	1835
GEORGE R. GILMER.....	1837
CHARLES J. McDONALD.....	1839
GEORGE W. CRAWFORD.....	1843
GEORGE W. TOWNS.....	1847
HOWELL COBB .....	1851
HERSCHEL V. JOHNSON.....	1853
JOSEPH E. BROWN.....	1857
JAMES JOHNSON, Provisional Governor .....	1865
CHARLES J. JENKINS.....	1865
RUFUS B. BULLOCK.....	1868
BENJAMIN CONLEY, Acting.....	1871
JAMES M. SMITH.....	1872
ALFRED H. COLQUITT.....	1876
ALEXANDER H. STEPHENS....	1882
JAMES S. BOYNTON, President of Senate.....	1883
HENRY D. McDANIEL.....	1883
JOHN B. GORDON.....	1886
W. J. NORTHEN.....	1890
W. Y. ATKINSON.....	1894
A. D. CANDLER.....	1898
JOSEPH M. TERRELL.....	1902
HOKE SMITH .....	1907
JOS. M. BROWN.....	1909
HOKE SMITH .....	1911
JOHN M. SLATON, President of Senate.....	1912
JOS. M. BROWN.....	1912
JOHN M. SLATON.....	1913

Showing their Names, for whom named, the County Seat, when laid out, and Population, 1910.

<i>Name.</i>	<i>For Whom.</i>	<i>County Seat.</i>	<i>Laid out.</i>	<i>Population.</i>
Appling.....	Col. Dan'l Appling.....	Baxley.....	1818	12,318
Baker.....	Col. John Baker.....	Newton.....	1825	7,973
Baldwin.....	Abraham Baldwin.....	Milledgeville....	1803	18,354
Banks.....	Dr. Richard Banks.....	Homerville.....	1858	11,244
Bartow.....	Gen. Francis S. Bartow...	Cartersville....	1861	25,388
Ben Hill.....	Benj. H. Hill.....	Fitzgerald.....	1907	11,863
Berrien.....	John M. Berrien.....	Nashville.....	1856	22,772
Bibb.....	Dr. W. W. Bibb.....	Macon.....	1822	56,646
Bleckley.....	Logan E. Bleckley.....	Cochran.....	1912	
Brooks.....	Preston L. Brooks.....	Quitman.....	1858	23,832
Bryan.....	Jonathan Bryan.....	Clyde.....	1793	6,702
Bulloch.....	Archibald Bulloch.....	Statesboro.....	1796	26,464
Burke.....	Edmund Burke.....	Waynesboro....	1777	27,268
Butts.....	Captain Sam. Butts.....	Jackson.....	1825	13,624
Calhoun.....	John C. Calhoun.....	Morgan.....	1854	11,334
Camden.....	Earl of Camden.....	St. Marys.....	1777	7,690
Campbell.....	Duncan G. Campbell.....	Fairburn.....	1828	10,874
Carroll.....	Charles Carroll.....	Carrollton.....	1826	30,855
Catoosa.....	Catoosa.....	Ringgold.....	1853	7,184
Charlton.....	R. M. Charlton.....	Folkston.....	1854	4,722
Chatham.....	Earl of Chatham.....	Savannah.....	1777	79,690
Chattahoochee..	Chattahoochee River.....	Cusseta.....	1854	5,586
Chattooga.....	Chattooga River.....	Summerville....	1838	13,608
Cherokee.....	Cherokee Indians.....	Canton.....	1832	16,661
Clarke.....	Gen. Elijah Clarke.....	Athens.....	1801	23,273
Clay.....	Henry Clay.....	Fort Gaines.....	1854	8,960
Clayton.....	A. S. Clayton.....	Jonesboro.....	1858	10,453
Clinch.....	Gen. Duncan S. Clinch....	Homerville.....	1850	8,424
Cobb.....	John Cobb.....	Marietta.....	1832	28,397
Coffee.....	Gen. John Coffee.....	Douglas.....	1854	21,953
Colquitt.....	Walter T. Colquitt.....	Moultrie.....	1856	19,789
Columbia.....	Christopher Columbus....	Appling.....	1790	12,328
Coweta.....	Chief of Cowetas.....	Newnan.....	1826	28,800
Crawford.....	Wm. H. Crawford.....	Knoxville.....	1822	8,310
Crisp.....	Charles F. Crisp.....	Cordele.....	1905	16,423
Dade.....	Maj. Francis Dade.....	Trenton.....	1837	4,139
Dawson.....	Wm. C. Dawson.....	Dawsonville....	1857	4,686
Decatur.....	Stephen Decatur.....	Bainbridge.....	1823	29,045
Dekalb.....	Baron De Kalb.....	Decatur.....	1822	27,881
Dodge.....	Wm. E. Dodge.....	Eastman.....	1870	20,127
Dooly.....	Col. John Dooly.....	Vienna.....	1821	20,554
Dougherty.....	Charles Dougherty.....	Albany.....	1853	16,035
Douglas.....	Stephen A. Douglas.....	Douglasville....	1870	8,953
Early.....	Gov. Peter Early.....	Blakely.....	1818	18,122
Echols.....	Robert M. Echols.....	Statenville.....	1858	3,309
Effingham.....	Lord Effingham.....	Springfield....	1777	9,971
Elbert.....	Gov. Sam. Elbert.....	Elberton.....	1790	24,125
Emanuel.....	Gov. David Emanuel.....	Swainsboro.....	1812	25,140

<i>Name.</i>	<i>For Whom.</i>	<i>County Seat.</i>	<i>Laid out.</i>	<i>Population.</i>
Fannin.....	Col. J. W. Fannin.....	Blue Ridge.....	1854	12,574
Fayette.....	Gen. Lafayette.....	Fayetteville....	1821	10,966
Floyd.....	Gen. Floyd.....	Rome.....	1832	36,736
Forsyth.....	Gov. John Forsyth.....	Cumming.....	1832	11,940
Franklin.....	Benjamin Franklin.....	Carnesville.....	1786	17,894
Fulton.....	Robert Fulton.....	Atlanta.....	1853	177,733
Gilmer.....	Gov. Geo. R. Gilmer.....	Ellijay.....	1832	9,237
Glascok.....	Gen. Thos. Glascok.....	Gibson.....	1857	4,669
Glynn.....	John Glynn.....	Brunswick.....	1777	15,720
Gordon.....	Wm. W. Gordon.....	Calhoun.....	1850	15,861
Grady.....	Henry W. Grady.....	Cairo.....	1905	18,457
Greene.....	Gen. Nat. Greene.....	Greensboro....	1786	18,512
Gwinnett.....	Gov. Button Gwinnett...	Lawrenceville...	1818	28,824
Habersham.....	Joseph Habersham.....	Clarksville....	1818	10,134
Hall.....	Gov. Lyman Hall.....	Gainesville....	1818	25,730
Hancock.....	John Hancock.....	Sparta.....	1793	19,189
Haralson.....	Hugh A. Haralson.....	Buchanan.....	1856	13,514
Harris.....	Charles Harris.....	Hamilton.....	1827	17,886
Hart.....	Nancy Hart.....	Hartwell.....	1853	16,216
Heard.....	Stephen Heard.....	Franklin.....	1830	11,180
Henry.....	Patrick Henry.....	McDonough....	1821	19,927
Houston.....	Gov. John Houston.....	Perry.....	1821	23,609
Irwin.....	Gov. Jared Irwin.....	Ocilla.....	1818	10,461
Jackson.....	Gov. Jas. Jackson.....	Jefferson.....	1796	30,169
Jasper.....	Sergeant Jasper.....	Monticello....	1812	16,552
Jeff Davis.....	Jefferson Davis.....	Hazlehurst....	1905	6,050
Jefferson.....	Thomas Jefferson.....	Louisville.....	1796	21,379
Jenkins.....	Gov. Chas. J. Jenkins.....	Millen.....	1905	11,520
Johnson.....	Gov. H. V. Johnson.....	Wrightsville...	1858	12,897
Jones.....	Hon. James Jones.....	Gray.....	1807	13,103
Laurens.....	Col. John Laurens.....	Dublin.....	1807	35,501
Lee.....	Richard H. Lee.....	Leesburg.....	1826	11,679
Liberty.....	See page 127.....	Hinesville.....	1777	12,924
Lincoln.....	Gen. Benj. Lincoln.....	Lincolnton.....	1796	8,714
Lowndes.....	Wm. J. Lowndes.....	Valdosta.....	1825	24,436
Lumpkin.....	Gov. Wilson Lumpkin.....	Dahlonega.....	1838	5,444
McDuffie.....	Geo. McDuffie.....	Thomson.....	1871	10,325
McIntosh.....	McIntosh Family.....	Darien.....	1793	6,442
Macon.....	Nath. Macon.....	Olgethorpe....	1837	15,016
Madison.....	Jas. Madison.....	Danielsville...	1811	16,851
Marion.....	Gen. Francis Marion.....	Buena Vista....	1827	9,147
Meriwether.....	Gen. David Meriwether...	Greenville.....	1827	25,180
Miller.....	Andrew J. Miller.....	Colquitt.....	1856	7,986
Milton.....	Homer V. Milton.....	Alpharetta....	1857	7,239
Mitchell.....	Gov. David B. Mitchell...	Camilla.....	1857	22,114
Monroe.....	Jas. Monroe.....	Forsyth.....	1821	20,450
Montgomery.....	Gen. Rich. Montgomery...	Mt. Vernon....	1793	19,638
Morgan.....	Gen. Dan'l Morgan.....	Madison.....	1807	19,717
Murray.....	Thos. W. Murray.....	Spring Place...	1832	9,763
Muscogee.....	Muscogee Indians.....	Columbus.....	1826	36,227

<i>Name.</i>	<i>For Whom.</i>	<i>County Seat.</i>	<i>Laid out.</i>	<i>Population.</i>
Newton.....	Sergeant John Newton...	Covington.....	1821	18,449
Oconee.....	Oconee River.....	Watkinsville...	1875	11,104
Oglethorpe.....	Gen. Jas. E. Oglethorpe...	Lexington.....	1793	18,680
Paulding.....	John Paulding.....	Dallas.....	1832	14,124
Pickens.....	Gen. Andrew Pickens.....	Jasper.....	1853	9,041
Pierce.....	Franklin Pierce.....	Blackshear.....	1857	10,749
Pike.....	Zebulon M. Pike.....	Zebulon.....	1822	19,495
Polk.....	Jas. K. Polk.....	Cedartown.....	1851	20,203
Pulaski.....	Count Pulaski.....	Hawkinsville...	1808	22,835
Putnam.....	Israel Putnam.....	Eatonton.....	1807	13,876
Quitman.....	Gen. John A. Quitman...	Georgetown.....	1858	4,594
Rabun.....	Gov. Wm. Rabun.....	Clayton.....	1819	5,562
Randolph.....	John Randolph.....	Cuthbert.....	1828	18,841
Richmond.....	Duke of Richmond.....	Augusta.....	1777	58,886
Rockdale.....	"Rockdale Church".....	Conyers.....	1870	8,916
Schley.....	Gov. Wm. Schley.....	Ellaville.....	1857	5,213
Screven.....	Gen. Jas. Screven.....	Sylvania.....	1793	20,202
Spalding.....	Hon. Thos. Spalding.....	Griffin.....	1851	19,741
Stephens.....	Gov. Alex. H. Stephens...	Toccoa.....	1905	9,728
Stewart.....	Gen. Dan'l Stewart.....	Lumpkin.....	1830	13,437
Sumter.....	Gen. Thos. Sumter.....	Americus.....	1831	29,092
Talbot.....	Gov. Matthew Talbot....	Talbotton.....	1827	11,696
Taliaferro.....	Col. Benj. Taliaferro....	Crawfordville...	1825	8,766
Tattnall.....	Josiah Tattnall.....	Reidsville.....	1801	18,569
Taylor.....	Zach. Taylor.....	Butler.....	1852	10,839
Telfair.....	Gov. Edward Telfair.....	McRae.....	1807	13,288
Terrell.....	Dr. Wm. Terrell.....	Dawson.....	1856	22,003
Thomas.....	Gen. Jett Thomas.....	Thomasville....	1825	29,071
Tift.....	Nelson Tift.....	Tifton.....	1905	11,487
Toombs.....	Gen. Robert Toombs.....	Lyons.....	1905	11,206
Towns.....	Gov. Geo. N. Towns.....	Hiawassee.....	1856	3,932
Troup.....	Gov. Geo. M. Troup.....	LaGrange.....	1826	26,228
Turner.....	Henry G. Turner.....	Ashburn.....	1905	10,075
Twiggs.....	Gen. John Twiggs.....	Jeffersonville...	1809	10,736
Union.....	Union.....	Blairsville.....	1832	6,918
Upson.....	Stephen Upson.....	Thomaston.....	1824	12,757
Walker.....	Maj. Freeman Walker....	La Fayette.....	1833	18,692
Walton.....	Gov. Geo. Walton.....	Monroe.....	1818	25,393
Ware.....	Nicholas Ware.....	Waycross.....	1824	22,957
Warren.....	Gen. Joseph Warren.....	Warrenton.....	1793	11,860
Washington.....	George Washington.....	Sandersville....	1784	28,174
Wayne.....	Gen. Anthony Wayne.....	Jesup.....	1805	13,069
Webster.....	Daniel Webster.....	Preston.....	1856	6,151
Wheeler.....	Gen. Jos. E. Wheeler....	Alamo.....	1912	
White.....	Col. John White.....	Cleveland.....	1857	5,110
Whitfield.....	Rev. Geo. Whitfield.....	Dalton.....	1851	15,934
Wilcox.....	Captain John Wilcox....	Abbeville.....	1857	13,486
Wilkes.....	John Wilkes.....	Washington.....	1777	23,441
Wilkinson.....	Gen. Jas. Wilkinson.....	Irwinton.....	1803	10,078
Worth.....	Gen. Wm. J. Worth.....	Sylvester.....	1853	19,147

# CONSTITUTION OF THE STATE OF GEORGIA

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## PREAMBLE.

To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen, and transmit to posterity the enjoyment of liberty, we, the people of Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution.

## ARTICLE I.

### BILL OF RIGHTS.

#### SECTION I. RIGHTS OF THE CITIZEN.

1. ORIGIN AND FOUNDATION OF GOVERNMENT.—All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people, and at all times amenable to them.

2. PROTECTION THE DUTY OF GOVERNMENT.—Protection to person and property is the paramount duty of government, and shall be impartial and complete.

3. LIFE, LIBERTY AND PROPERTY.—No person shall be deprived of life, liberty, or property, except by due process of law.

4. RIGHT TO THE COURTS.—No person shall be deprived of the right to prosecute or defend his own cause, in any of the courts of this State, in person, by attorney, or both.

5. BENEFIT OF COUNSEL, ACCUSATION, LIST OF WITNESSES, COMPULSORY PROCESS AND TRIAL.—Every person charged with an offense against the laws of this State shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the testimony of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.

6. CRIMINATION OF SELF NOT COMPELLED.—No person shall be compelled to give testimony tending in any manner to criminate himself.

7. BANISHMENT; WHIPPING.—Neither banishment beyond the limits of the State, nor whipping, as a punishment for crime, shall be allowed.

8. JEOPARDY OF LIFE, ETC., MORE THAN ONCE, FORBIDDEN.—No person shall be put in jeopardy of life, or liberty, more than once for the same

offense, save on his, or her, own motion for a new trial after conviction, or in case of mistrial.

9. BAIL, FINES, PUNISHMENTS, ARRESTS.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison.

10. COSTS.—No person shall be compelled to pay costs, except after conviction on final trial.

11. HABEAS CORPUS.—The writ of *habeas corpus* shall not be suspended.

12. FREEDOM OF CONSCIENCE.—All men have the natural and inalienable right to worship God, each according to the dictates of his own conscience, and no human authority should, in any case, control or interfere with such right of conscience.

13. RELIGIOUS OPINIONS, ETC.—No inhabitant of this State shall be molested in person or property, or prohibited from holding any public office or trust, on account of his religious opinions; but the right of liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

14. APPROPRIATIONS TO SECTS FORBIDDEN.—No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution.

15. LIBERTY OF SPEECH GUARANTEED.—No law shall ever be passed to curtail, or restrain, the liberty of speech, or of the press; any person may speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that liberty.

16. SEARCHES AND WARRANTS.—The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place, or places, to be searched, and the persons or things to be seized.

17. SLAVERY.—There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

18. STATUS OF THE CITIZEN.—The social status of the citizen shall never be the subject of legislation.

19. CIVIL AUTHORITY SUPERIOR TO MILITARY.—The civil authority shall be superior to the military, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except by the civil magistrate, in such manner as may be provided by law.

20. CONTEMPTS.—The power of the courts to punish for contempts shall be limited by legislative acts.

21. IMPRISONMENT FOR DEBT.—There shall be no imprisonment for debt.

22. **ARMS.**—The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.

23. **LEGISLATIVE, JUDICIAL, AND EXECUTIVE SEPARATE.**—The legislative, judicial, and executive powers shall forever remain separate and distinct, and no person discharging the duties of one shall at the same time exercise the functions of either of the others, except as herein provided.

24. **RIGHT TO ASSEMBLE AND PETITION.**—The people have the right to assemble peaceably for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance.

25. **CITIZENS, PROTECTION OF.**—All citizens of the United States resident in this State are hereby declared citizens of this State; and it shall be the duty of the General Assembly to enact such laws as will protect them in the full enjoyment of the rights, privileges, and immunities due to such citizenship.

## SECTION II. CERTAIN OFFENSES DEFINED.

1. **LIBEL; JURY IN CRIMINAL TRIALS.**—In all prosecutions or indictments for libel, the truth may be given in evidence; and the jury in all criminal cases shall be the judges of the law and the facts. The power of the judges to grant new trials in case of conviction is preserved.

2. **TREASON.**—Treason against the State of Georgia shall consist in levying war against her, adhering to her enemies, giving them aid and comfort. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or confession in open court.

3. **CONVICTION.**—No conviction shall work corruption of blood, or forfeiture of estate.

4. **LOTTERIES.**—All lotteries, and the sale of lottery tickets, are hereby prohibited; and this prohibition shall be enforced by penal laws.

5. **LOBBYING.**—Lobbying is declared to be a crime, and the General Assembly shall enforce this provision by suitable penalties.

6. **FRAUD; PROPERTY CONCEALMENT.**—The General Assembly shall have the power to provide for the punishment of fraud; and shall provide, by law, for reaching property of the debtor concealed from the creditor.

## SECTION III. PROTECTION TO PERSON AND PROPERTY.

1. **PRIVATE WAYS; JUST COMPENSATION.**—In cases of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken, or damaged, for public purposes, without just and adequate compensation being first paid.

2. **ATTAINDER; ex POST FACTO AND RETROACTIVE LAWS, ETC.**—No bill of attainder, *ex post facto* law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities, shall be passed.

3. **REVOCATION OF GRANTS.**—No grant of special privileges or immunities shall be revoked, except in such manner as to work no injustice to the corporators or creditors of the incorporation.

#### SECTION IV. SPECIAL LEGISLATION FORBIDDEN.

1. **GENERAL LAWS, AND HOW VARIED.**—Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights shall be varied in any particular case, by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contract is capable of such consent.

2. **WHAT ACTS VOID.**—Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the judiciary shall so declare them.

#### SECTION V. GOVERNMENTAL RIGHTS OF THE PEOPLE.

1. **STATE RIGHTS.**—The people of this State have the inherent, sole, and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution, whenever it may be necessary to their safety and happiness.

2. **ENUMERATION OF RIGHTS NOT DENY OTHERS.**—The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent right which they may have hitherto enjoyed.

### ARTICLE II.

#### ELECTIVE FRANCHISE.

##### SECTION I. QUALIFICATION OF VOTERS. (Amendment of 1908.)

1. **ELECTIONS BY BALLOT, AND VOTERS MUST BE REGISTERED.**—After the year 1908 elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.

2. **WHO SHALL BE AN ELECTOR ENTITLED TO REGISTER AND VOTE.**—Every male citizen of this State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this Article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: *Provided*, that no soldier, sailor, or marine in the military or naval service of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

3. **WHO ENTITLED TO REGISTER AND VOTE.**—To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election, and shall have



paid all taxes which may have been required of him since the adoption of the Constitution of Georgia of 1877 that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least six months prior to the election at which he offers to vote, except when such elections are held within six months from the expiration of the time fixed by law for the payment of such taxes.

4. **QUALIFICATIONS OF ELECTOR.**—Every male citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of Section 2 of Article 2 of this Constitution, and who possesses the qualifications described in paragraphs 2 and 3 of this Section, or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following subdivisions of this paragraph.

(1) All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any war with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States or of the State of Georgia in the War between the States; or,

(2) All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or,

(3) All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,

(4) All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars; or,

(5) Any person who is the owner in good faith in his own right of at least forty acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at a value of \$500.00.

5. **REGISTRARS SHALL PREPARE ROSTER.**—The right to register under subdivisions 1 and 2 of paragraph 4 shall continue only until January 1st, 1915. But the registrars shall prepare a roster of all persons who register under subdivisions 1 and 2 of paragraph 4, and shall return the same to the clerk's office of the superior court of their counties, and the clerks of the superior court shall send copies of the same to the Secretary of State, and it shall be the duty of these officers to record and permanently preserve these rosters. Any person who has been once registered under either of the subdivisions 1 or 2 of paragraph 4 shall thereafter be per-

mitted to vote: *Provided*, he meets the requirements of paragraphs 2 and 3 of this Section.

6. **APPEAL FROM DECISION OF REGISTRARS.**—Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the five subdivisions of paragraph 4 shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of, and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

7. **JUDGMENT OF FORCE PENDING APPEAL.**—Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

8. **ONLY QUALIFIED VOTER CAN PARTICIPATE IN PRIMARY.**—No person shall be allowed to participate in a primary of any political party or a convention of any political party in this State who is not a qualified voter.

9. **MACHINERY FOR REGISTRATION.**—The machinery provided by law for the registration of force October 1st, 1908, shall be used to carry out the provisions of this Section, except when inconsistent with same; the legislature may change or amend the registration laws from time to time, but no such change or amendment shall operate to defeat any of the provisions of this Section.

## SECTION II. REGISTRATION.

1. **REGISTRATION; WHO DISFRANCHISED.**—The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote or hold any office, or appointment of honor or trust in this State, to-wit: (1) Those who shall have been convicted, in any court of competent jurisdiction, of treason against the State, of embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such person shall have been pardoned. (2) Idiots and insane persons.

## SECTION III. VOTERS' PRIVILEGE.

1. **PRIVILEGE OF ELECTORS.**—Electors shall, in all cases, except for treason, felony, larceny and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

## SECTION IV. DISQUALIFICATION TO HOLD OFFICE.

1. **HOLDER OF PUBLIC FUNDS.**—No person who is the holder of any

public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

2. **DUELLING.**—No person who, after the adoption of this Constitution, being a resident of this State, shall have been convicted of fighting a duel in this State, or convicted of sending or accepting a challenge, or convicted of aiding or abetting such duel, shall hold office in this State, unless he shall have been pardoned; and every such person shall also be subject to such punishment as may be prescribed by law.

#### SECTION V. SALE OF LIQUORS, WHEN FORBIDDEN.

1. **SALE OF LIQUORS ON ELECTION DAYS.**—The General Assembly shall, by law, forbid the sale, distribution, or furnishing of intoxicating drinks within two miles of election precincts on days of election—State, county or municipal—and prescribe punishment for any violation of the same.

#### SECTION VI. RETURNS OF ELECTIONS.

1. **ELECTION RETURNS.**—Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

### ARTICLE III.

#### LEGISLATIVE DEPARTMENT.

##### SECTION I. LEGISLATIVE POWER, WHERE VESTED.

1. **LEGISLATIVE POWER.**—The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

##### SECTION II. SENATORIAL DISTRICTS.

1. **NUMBER OF SENATORS, ETC.**—The Senate shall consist of forty-four members. There shall be forty-four Senatorial districts, as now arranged by counties. Each district shall have one Senator.

2. **DISTRICTS CHANGED, HOW.**—The General Assembly may change these districts after each census of the United States: *Provided*, that neither the number of districts nor the number of senators from each district shall be increased.

##### SECTION III. COUNTY REPRESENTATION.

1. **NUMBER OF REPRESENTATIVES.**—The House of Representatives shall consist of one hundred and eighty-four representatives, apportioned among the several counties as follows, to-wit: (The apportionment was changed by the General Assembly in 1911 to the following: To the six counties having the largest population, viz: Fulton, Chatham, Richmond, Bibb, Floyd, and Muscogee, three representatives each; to the twenty-six

counties having the next largest population, viz: Laurens, Carroll, Jackson, Sumter, Thomas, Decatur, Gwinnett, Coweta, Cobb, Washington, DeKalb, Burke, Bulloch, Troup, Hall, Walton, Bartow, Meriwether, Emanuel, Lowndes, Elbert, Brooks, Houston, Wilkes, Clarke, and Ware, two representatives each; and to the remaining one hundred and fourteen counties, one representative each. In 1912 two new counties, Wheeler and Bleckley, were created.)

2. CHANGED, HOW.—The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States Government, so as to give the six counties having the largest population three representatives, each; and to the twenty-six counties having the next largest population two representatives, each; but in no event shall the aggregate number of representatives be increased.

#### SECTION IV. THE GENERAL ASSEMBLY.

1. TERM OF MEMBERS.—The members of the General Assembly shall be elected for two years, and shall serve until their successors are elected.

2. ELECTION, WHEN.—The first election for members of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially on that day, until the day of election is changed by law.

3. MEETING OF THE GENERAL ASSEMBLY.—The first meeting of the General Assembly, after the ratification of this Constitution, shall be on the fourth Wednesday in October, 1878, and annually thereafter, on the same day, until the day shall be changed by law. No session of the General Assembly shall continue longer than fifty days: *Provided*, that if an impeachment trial is impending at the end of fifty days, the session may be prolonged till the completion of said trial. (Prior to amendments adopted in 1892 the Legislature met biennially for forty days. Legislature now meets fourth Wednesday in June.)

4. QUORUM.—A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members, as each house may provide.

5. OATH OF MEMBERS.—Each senator and representative, before taking his seat, shall take the following oath, or affirmation, to-wit: "I will support the Constitution of this State, and of the United States; and on all questions and measures which may come before me, I will so conduct myself as will, in my judgment, be most conducive to the interests and prosperity of this State."

6. LENGTH OF SESSIONS.—(Repealed.)

7. ELIGIBILITY; APPOINTMENTS FORBIDDEN.—No person holding a military commission, or other appointment or office, having any emolument

or compensation annexed thereto, under this State, or the United States, or either of them, except justices of the peace and officers of the militia, nor any defaulter for public money, or for any legal taxes required of him, shall have a seat in either house, nor shall any senator or representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected.

8. REMOVAL VACATES.—The seat of a member of either house shall be vacated on his removal from the district or county from which he was elected.

## SECTION V. THE SENATE.

1. QUALIFICATIONS OF SENATORS.—The Senators shall be citizens of the United States who have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the district from which elected.

2. PRESIDENT.—The presiding officer of the Senate shall be styled the President of the Senate, and he shall be elected *viva voce* from the Senators.

3. IMPEACHMENTS.—The Senate shall have the sole power to try impeachments.

4. TRIAL OF IMPEACHMENTS.—When sitting for that purpose, the members shall be on oath or affirmation, and shall be presided over by the Chief Justice, or the presiding justice of the Supreme Court. Should the Chief Justice be disqualified, the Senate shall select the judge of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

5. JUDGMENTS IN IMPEACHMENTS.—Judgments, in cases of impeachment, shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, within this State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

## SECTION VI. THE HOUSE OF REPRESENTATIVES.

1. QUALIFICATIONS OF REPRESENTATIVES.—The representatives shall be citizens of the United States who have attained the age of twenty-one years, and who shall have been citizens of this State for two years, and for one year residents of the counties from which elected.

2. SPEAKER.—The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected *viva voce* from the body.

3. POWER TO IMPEACH.—The House of Representatives shall have the

sole power to impeach all persons who shall have been, or may be, in office.

## SECTION VII. ENACTMENT OF LAWS.

1. **ELECTIONS, RETURNS, ETC.; DISORDERLY CONDUCT.**—Each house shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion, but no member shall be expelled, except by a vote of two-thirds of the house to which he belongs.

2. **CONTEMPTS, HOW PUNISHED.**—Each house may punish by imprisonment, not extending beyond the session, any person, not a member, who shall be guilty of a contempt by any disorderly behavior in its presence, or who shall rescue, or attempt to rescue, any person arrested by order of either house.

3. **PRIVILEGE OF MEMBERS.**—The members of both houses shall be free from arrest during their attendance on the General Assembly, and in going thereto or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either house.

4. **JOURNALS.**—Each house shall keep a journal of its proceedings, and publish it immediately after its adjournment.

5. **WHERE KEPT.**—The original journal shall be preserved, after publication, in the office of the Secretary of State, but there shall be no other record thereof.

6. **YEAS AND NAYS, WHEN TAKEN.**—The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

7. **BILLS TO BE READ.**—Every bill, before it shall pass, shall be read three times, and on three separate days, in each house, unless in cases of actual invasion or insurrection; but the first and second reading of each local bill, and bank and railroad charters shall consist of the reading of the title only, unless said bill is ordered to be engrossed.

8. **ONE SUBJECT-MATTER EXPRESSED.**—No law or ordinance shall pass which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

9. **GENERAL APPROPRIATION BILL.**—The general appropriation bill shall embrace nothing except appropriations fixed by previous laws, the ordinary expenses of the executive, legislative, and judicial departments of the government, payment of the public debt and interest thereon, and the support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

10. **BILLS FOR REVENUE.**—All bills for raising revenue, or appropriating money, shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

11. **PUBLIC MONEY, HOW DRAWN.**—No money shall be drawn from the treasury except by appropriation made by law; and a regular statement and account of the receipt and expenditure of all public money shall be published every three months, and, also, with the laws passed by each session of the General Assembly.

12. **BILLS APPROPRIATING MONEY.**—No bill or resolution appropriating money shall become a law, unless, upon its passage, the yeas and nays, in each house, are recorded.

13. **ACTS SIGNED; REJECTED BILLS.**—All acts shall be signed by the President of the Senate and the Speaker of the House of Representatives, and no bill, ordinance, or resolution, intended to have the effect of a law, which shall have been rejected by either house, shall be again proposed during the same session, under the same or any other title, without the consent of two-thirds of the house by which the same was rejected.

14. **MAJORITY OF MEMBERS TO PASS BILL.**—No bill shall become a law unless it shall receive a majority of the votes of all the members elected to each house of the General Assembly, and it shall, in every instance, so appear on the journal.

15. **LOCAL BILLS.**—(Stricken out by amendment.)

16. **NOTICE OF INTENTION TO ASK LOCAL LEGISLATION NECESSARY.**—No local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter, or thing to be affected, may be situated, which notice shall be given at least thirty days prior to the introduction of such bill into the General Assembly, and in the manner to be prescribed by law. The evidence of such notice, having been published, shall be exhibited in the General Assembly before such act shall be passed.

17. **STATUTES AND SECTIONS OF CODE, HOW AMENDED.**—No law, or section of the Code, shall be amended or repealed by mere reference to its title, or to the number of the section of the Code, but the amending or repealing act shall distinctly describe the law to be amended or repealed, as well as the alteration to be made.

18. **CORPORATE POWERS, HOW GRANTED.**—The General Assembly shall have no power to grant corporate powers and privileges to private companies; to make or change election precincts; nor to establish bridges or ferries; nor to change names of legitimate children; but it shall prescribe by law the manner in which such powers shall be exercised by the courts; it may confer this authority to grant corporate powers and privileges to private companies to the judges of the superior courts of this State in vacation. All corporate powers and privileges to banking, insurance, railroad, canal, navigation, express and telegraph companies shall be issued and granted by the secretary of State, in such manner as shall be prescribed by law; and if in any event the secretary of State should be disqualified to act in any case, then in that event the legisla-

ture shall provide by general laws by what person such charters shall be granted.

19. **RECOGNIZANCES.**—The General Assembly shall have no power to relieve principals or securities upon forfeited recognizances, from the payment thereof, either before or after judgment thereon, unless the principal in the recognizance shall have been apprehended and placed in the custody of the proper officer.

20. **STREET RAILWAYS.**—The General Assembly shall not authorize the construction of any street passenger railway within the limits of any incorporated town or city, without the consent of the corporate authorities.

21. **YEAS AND NAYS TO BE ENTERED, WHEN.**—Whenever the Constitution requires a vote of two-thirds of either or both houses for the passing of an act or resolution, the yeas and nays on the passage thereof shall be entered on the journal.

22. **POWERS OF THE LEGISLATURE.**—The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

23. **SIGNATURE OF GOVERNOR.**—No provision in this Constitution, for a two-thirds vote of both houses of the General Assembly, shall be construed to waive the necessity for the signature of the Governor, as in any other case, except in the case of the two-thirds vote required to override the veto, and in case of prolongation of a session of the General Assembly.

24. **ADJOURNMENTS.**—Neither house shall adjourn for more than three days, or to any other place, without the consent of the other; and in case of disagreement between the two houses on a question of adjournment, the Governor may adjourn either or both of them.

## SECTION VIII. OFFICERS OF THE GENERAL ASSEMBLY.

I. **SECRETARY AND CLERK.**—The officers of the two houses, other than the President and Speaker, shall be a secretary of the Senate, and clerk of the House of Representatives, and such assistants as they may appoint; but the clerical expenses of the Senate shall not exceed sixty dollars per day, for each session, nor those of the House of Representatives seventy dollars per day, for each session. The secretary of the Senate and clerk of the House of Representatives shall be required to give bond and security for the faithful discharge of their respective duties.

## SECTION IX. PAY OF MEMBERS.

I. **COMPENSATION.**—The *per diem* of members of the General Assembly shall not exceed four dollars; and mileage shall not exceed ten cents for each mile travelled, by the nearest practicable route, in going to, and returning from, the capital; but the President of the Senate and the



Speaker of the House of Representatives shall each receive not exceeding seven dollars per day.

#### SECTION X. ELECTIONS BY GENERAL ASSEMBLY.

1. ELECTIONS.—All elections by the General Assembly shall be *viva voce*, and the vote shall appear on the journal of the House of Representatives. When the Senate and House of Representatives unite for the purpose of elections, they shall meet in the Representative Hall, and the President of the Senate shall, in such cases, preside and declare the result.

#### SECTION XI. MARRIED WOMAN'S PROPERTY.

1. WIFE'S ESTATE.—All property of the wife at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

#### SECTION XII. INSURANCE COMPANIES.

1. NON-RESIDENT INSURANCE COMPANIES.—All life-insurance companies now doing business in this State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign states, shall show that they have deposited with the comptroller-general of the State in which they are chartered, or of this State, the insurance commissioners, or such other officer as may be authorized to receive it, not less than one hundred thousand dollars, in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy holders.

2. LICENSE BY COMPTROLLER.—When such showing is made to the comptroller-general of the State of Georgia by a proper certificate from the State official having charge of the funds so deposited, the comptroller-general of the State of Georgia is authorized to issue, to the company making such showing, a license to do business in the State, upon paying the fees required by law.

3. RESIDENT INSURANCE COMPANIES.—All life-insurance companies chartered by the State of Georgia, or which may hereafter be chartered by the State, shall, before doing business, deposit, with the comptroller-general of the State of Georgia, or with some strong corporation, which may be approved by said comptroller-general, one hundred thousand dollars, in such securities as may be deemed by him equivalent to cash, to be subject to his order, as a guarantee fund for the security of the policy holders of the company making such deposit, all interests and dividends arising from such securities to be paid, when due, to the company so depositing. Any such securities as may be needed or desired by the company may be taken from said department at any time by replacing them

with other securities equally acceptable to the comptroller-general, whose certificate for the same shall be furnished to the company.

4. GENERAL ASSEMBLY TO ENACT LAWS FOR PEOPLE'S PROTECTION, ETC.—The General Assembly shall, from time to time, enact laws to compel all fire-insurance companies doing business in this State, whether chartered by this State or otherwise, to deposit reasonable securities with the treasurer of this State, to secure the people against loss by the operations of said companies.

5. REPORTS BY INSURANCE COMPANIES.—The General Assembly shall compel all insurance companies in this State or doing business therein, under proper penalties, to make semi-annual reports to the Governor, and print the same at their own expense, for the information and protection of the people.

## ARTICLE IV.

### POWER OF THE GENERAL ASSEMBLY OVER TAXATION.

#### SECTION I. TAXATION.

1. TAXATION, A SOVEREIGN RIGHT.—The right of taxation is a sovereign right, inalienable, indestructible, is the life of the State, and rightfully belongs to the people in all republican governments, and neither the General Assembly, nor any nor all other departments of the government established by this Constitution, shall ever have the authority to irrevocably give, grant, limit, or restrain this right; and all laws, grants, contracts, and all other acts whatsoever, by said government, or any department thereof, to effect any of these purposes, shall be and are hereby declared to be null and void for every purpose whatsoever; and said right of taxation shall always be under the complete control of, and revocable by, the State, notwithstanding any gift, grant, or contract whatsoever by the General Assembly.

#### SECTION II. REGULATION OF CORPORATIONS.

1. RAILROAD TARIFFS.—The power and authority of regulating railroad freights and passenger tariffs, preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws, from time to time, to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of this State, and to prohibit said roads from charging other than just and reasonable rates, and enforce the same by adequate penalties.

2. RIGHT OF EMINENT DOMAIN; POLICE POWER.—The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as property of individuals; and the exercise of the police power of the

State shall never be abridged, nor so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals, or the general well-being of the State.

3. CHARTERS REVIVED OR AMENDED BECOME SUBJECT TO THIS CONSTITUTION.—The General Assembly shall not remit the forfeiture of the charter of any corporation, now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of said corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter, and shall bring the same under the provisions of this Constitution: *Provided*, that this section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

4. BUYING STOCK, ETC., IN OTHER CORPORATIONS; COMPETITION.—The General Assembly of this State shall have no power to authorize any corporation to buy shares or stock in any other corporation in this State or elsewhere, or to make any contract, or agreement whatever, with any such corporation, which may have the effect, or be intended to have the effect, to defeat or lessen competition in their respective businesses, or to encourage monopoly; and all such contracts and agreements shall be illegal and void.

5. REBATES.—No railroad company shall give, or pay, any rebate or *bonus* in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

6. OBLIGATION OF CONTRACTS PRESERVED.—No provision of this Article shall be deemed, held or taken to impair the obligation of any contract heretofore made by the State of Georgia.

7. GENERAL ASSEMBLY TO ENFORCE.—The General Assembly shall enforce the provisions of this Article by appropriate legislation.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

#### SECTION I. GOVERNOR.

1. EXECUTIVE DEPARTMENT.—The officers of the Executive Department shall consist of a Governor, secretary of State, comptroller-general and treasurer.

2. GOVERNOR; TERM OF OFFICE, SALARY, ETC.—The Executive power shall be vested in a Governor, who shall hold his office during the term of two years, and until his successor shall be chosen and qualified. He

shall not be eligible to re-election, after the expiration of a second term, for the period of four years. He shall have a salary of five thousand dollars per annum (until otherwise provided by a law passed by a two-thirds vote of both branches of the General Assembly), which shall not be increased or diminished during the period for which he shall have been elected; nor shall he receive, within that time, any other emolument from the United States, or either of them, or from any foreign power.

3. ELECTION FOR GOVERNOR.—The first election for Governor, under this Constitution, shall be held on the first Wednesday in October, 1880, and the Governor-elect shall be installed in office at the next session of the General Assembly. An election shall take place biennially thereafter, on said day, until another date be fixed by the General Assembly. Said election shall be held at the places of holding general elections in the several counties of this State, in the manner prescribed for the election of members of the General Assembly, and the electors shall be the same.

4. RETURNS OF ELECTIONS.—The returns for every election of Governor shall be sealed up by the managers, separately from other returns, and directed to the President of the Senate and Speaker of the House of Representatives, and transmitted to the secretary of State, who shall, without opening said returns, cause the same to be laid before the Senate on the day after the two houses shall have been organized, and they shall be transmitted by the Senate to the House of Representatives.

5. HOW PUBLISHED.—The members of each branch of the General Assembly shall convene in the Representative Hall, and the President of the Senate and Speaker of the House of Representatives shall open and publish the returns in the presence and under the direction of the General Assembly; and the person having the majority of the whole number of votes shall be declared duly elected Governor of this State, but if no person shall have such majority, then from the two persons having the highest number of votes, who shall be in life, and shall not decline an election at the time appointed for the General Assembly to elect, the General Assembly shall, immediately, elect a Governor *viva voce*; and in all cases of election of a Governor by the General Assembly a majority of the members present shall be necessary to a choice.

6. CONTESTED ELECTIONS.—Contested elections shall be determined by both houses of the General Assembly in such manner as shall be prescribed by law.

7. QUALIFICATIONS OF GOVERNOR.—No person shall be eligible to the office of Governor who shall not have been a citizen of the United States fifteen years, and a citizen of the State six years, and who shall not have attained the age of thirty years.

8. DEATH, RESIGNATION, OR DISABILITY OF GOVERNOR.—In case of the death, resignation, or disability of the Governor, the President of the

Senate shall exercise the executive powers of the government until such disability be removed, or a successor is elected and qualified. And in case of the death, resignation, or disability of the President of the Senate, the Speaker of the House of Representatives shall exercise the executive powers of the government until the removal of the disability, or the election and qualification of a Governor.

9. **UNEXPIRED TERMS.**—The General Assembly shall have power to provide, by law, for filling unexpired terms by special elections.

10. **OATH OF OFFICE.**—The Governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will faithfully execute the office of Governor of the State of Georgia, and will, to the best of my ability, preserve, protect and defend the Constitution thereof, and the Constitution of the United States of America."

11. **COMMANDER-IN-CHIEF.**—The Governor shall be commander-in-chief of the army and navy of this State, and of the militia thereof.

12. **REPRIEVES AND PARDONS.**—He shall have power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part of a sentence for offenses against the State, after conviction, except in cases of treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend the execution of the sentence and report the case to the General Assembly at the next meeting thereof, when the Genral Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, pardon or commutation granted, stating the name of the convict, the offense for which he was convicted, the sentence and its date, the date of the reprieve, pardon or commutation, and the reasons for granting the same. He shall take care that the laws are faithfully executed, and shall be a conservator of the peace throughout the State.

13. **WRITS OF ELECTIONS; CALLED SESSION OF THE LEGISLATURE.**—He shall issue writs of election to fill all vacancies that may happen in the Senate or House of Representatives, and shall give the General Assembly, from time to time, information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem necessary or expedient. He shall have power to convoke the General Assembly on extraordinary occasions, but no law shall be enacted at called sessions of the General Assembly except such as shall relate to the object stated in his proclamation convening them.

14. **FILLING VACANCIES.**—When any office shall become vacant, by death, resignation, or otherwise, the Governor shall have power to fill such vacancy, unless otherwise provided by law; and persons so appointed shall continue in office until a successor is commissioned, agree-

ably to the mode pointed out by this Constitution, or by law in pursuance thereof.

15. **APPOINTMENTS REJECTED.**—A person once rejected by the Senate shall not be reappointed by the Governor to the same office during the same session, or the recess thereafter.

16. **GOVERNOR'S VETO.**—The Governor shall have the revision of all bills passed by the General Assembly, before the same shall become laws, but two-thirds of each house may pass a law notwithstanding his dissent; and if any bill should not be returned by the Governor within five days (Sunday excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual unless passed by two-thirds of each house.

17. **GOVERNOR MUST APPROVE.**—Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of election, or adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of each house.

18. **INFORMATION FROM DEPARTMENT OFFICERS; TREASURER AND COMPTROLLER.**—He may require information, in writing, from the officers in the Executive Department on any subject relating to the duties of their respective offices. It shall be the duty of the Governor, quarterly, and oftener if he deems it expedient, to examine, under oath, the treasurer and comptroller-general of the State on all matters pertaining to their respective offices, and to inspect and review their books and accounts. The General Assembly shall have authority to provide by law for the suspension of either of said officers, from the discharge of the duties of his office, and also for the appointment of a suitable person to discharge the duties of the same.

19. **SECRETARIES.**—The Governor shall have power to appoint his own secretaries not exceeding two in number, and to provide such other clerical force as may be required in his office, but the total cost for secretaries and clerical force in his office shall not exceed six thousand dollars per annum.

## SECTION II. OTHER EXECUTIVE OFFICERS.

1. **SECRETARY OF STATE, COMPTROLLER AND TREASURER, HOW ELECTED.**—The secretary of State, comptroller-general and treasurer shall be elected by persons qualified to vote for members of the General Assembly, at the same time and in the same manner as the Governor. The provisions of the Constitution as to the transmission of the returns of election, counting the votes, declaring the result, deciding when there is no election, and when there is a contested election, applicable to the election of Governor, shall apply to the election of secretary of State,

comptroller-general and treasurer; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

2. **TREASURER'S SALARY.**—The salary of the treasurer shall not exceed two thousand dollars per annum. The clerical expenses of his department shall not exceed sixteen hundred dollars per annum.

3. **SALARY OF SECRETARY OF STATE.**—The salary of the secretary of State shall not exceed two thousand dollars per annum, and the clerical expenses of his department shall not exceed one thousand dollars per annum.

4. **COMPTROLLER-GENERAL'S SALARY.**—The salary of the comptroller-general shall not exceed two thousand dollars per annum. The clerical expenses of his department, including the insurance department and wild-land clerk, shall not exceed four thousand dollars per annum; and without said clerk, it shall not exceed three thousand dollars per annum.

5. **PROFIT FROM USE OF PUBLIC MONEY.**—The treasurer shall not be allowed, directly or indirectly, to receive any fee, interest, or reward from any person, bank, or corporation for the deposit or use, in any manner, of the public funds; and the General Assembly shall enforce this provision by suitable penalties.

6. **QUALIFICATIONS.**—No person shall be eligible to the office of secretary of State, comptroller-general, or treasurer, unless he shall have been a citizen of the United States for ten years, and shall have resided in this State for six years next preceding his election, and shall be twenty-five years of age when elected. All of said officers shall give bond and security, under regulations to be prescribed by law, for the faithful discharge of their duties.

7. **FEES AND PERQUISITES DENIED.**—The secretary of State, the comptroller-general, and the treasurer, shall not be allowed any fee, perquisite, or compensation, other than their salaries, as prescribed by law, except their necessary expenses when absent from the seat of government on business for the State.

### SECTION III. SEAL OF STATE.

1. **GREAT SEAL.**—The Great Seal of the State shall be deposited in the office of the secretary of State, and shall not be affixed to any instrument of writing except by order of the Governor, or General Assembly, and that now in use shall be the Great Seal of the State until otherwise provided by law.

## ARTICLE VI.

### JUDICIARY.

#### SECTION I. COURTS.

1. **COURTS ENUMERATED.**—The judicial powers of this State shall be vested in a Supreme Court, a Court of Appeals, superior courts, courts

of ordinary, justices of the peace, commissioned notaries public, and such other courts as have been or may be established by law.

## SECTION II. SUPREME COURT AND COURT OF APPEALS.

1. SUPREME COURT JUDGES.—The Supreme Court shall consist of a Chief Justice and five Associate Justices. A majority of the court shall constitute a quorum.

2. GOVERNOR TO DESIGNATE JUDGES TO PRESIDE, WHEN.—When one or more of the judges are disqualified from deciding any case, by interest or otherwise, the Governor shall designate a judge, or judges, of the superior courts to preside in said case.

3. BONDHOLDING JUDGE DISQUALIFIED, WHEN.—No judge of any court shall preside in any case where the validity of any bond—Federal, State, corporation, or municipal—is involved, who holds in his own right, or as the representative of others, any material interest in the class of bonds upon which the question to be decided arises.

4. TERMS OF OFFICE.—The Chief Justices and Associate Justices shall hold their offices for six years, and until their successors are qualified; but appointments to fill vacancies shall only be for the unexpired term, or until such vacancies are filled by elections, agreeably to the mode pointed out by the Constitution.

5. JURISDICTION.—The Supreme Court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors in law and equity from the superior courts in all civil cases, whether legal or equitable, originating therein or carried thereto from the court of ordinary, and in all cases of conviction of a capital felony, and for the determination of questions certified to it by the Court of Appeals; and shall sit at the seat of government at such times in each year as are or may be prescribed by law, for the trial and determination of writs of error from the superior courts and of questions certified to it as aforesaid. (Clauses of temporary force omitted. Amendment of 1906.)

6. CASES, HOW DISPOSED OF.—The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.

7. JUDGMENTS MAY BE WITHHELD.—In any case the court may, in its discretion, withhold its judgment until the next term after the same is argued.

8. The Supreme Court shall hereafter consist of a Chief Justice and five Associate Justices. The court shall have power to hear and determine cases when sitting, either in a body or in two divisions of three judges each, under such regulations as may be prescribed by the General Assembly. A majority of either division shall constitute a quorum for



that division. The Chief Justice and the Associate Justices of the Supreme Court shall hereafter be elected by the people at the same time and in the same manner as the Governor and State House officers are elected. (Clauses of only temporary force omitted.) All terms (except unexpired terms) shall be for six years each. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold his office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of said special election shall be made to the secretary of state. (Amendment of 1896.)

9. COURT OF APPEALS.—The Court of Appeals shall, until otherwise provided by law, consist of three judges, of whom two shall constitute a quorum. It shall sit at the seat of government and at such other places as may be prescribed by law. (This paragraph is too long for incorporation here. The rest of it provides a time for the election of judges, their terms of office, etc. The rules applying to Supreme Court justices are made to apply in the case of Appellate Court judges. The Court of Appeals is given jurisdiction over all cases from the superior courts in which such jurisdiction is not conferred by the Constitution on the Supreme Court, and over cases from the city courts. The Supreme Court has exclusive jurisdiction over all cases involving interpretation of the Constitution. Amendment of 1906.)

### SECTION III. SUPERIOR COURTS.

1. TERMS, ETC., OF SUPERIOR COURT JUDGES.—There shall be a judge of the superior courts for each judicial circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law. The legislature shall have authority to add one or more additional judges of the superior court for any judicial circuit in this State, and shall have authority to regulate the manner in which the judges of such circuits shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin, and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit, or to reduce the number of judges in any judicial circuit; *Provided*, that at all times there shall be at least one judge in every judicial circuit of this State.

2. ELECTIONS, WHEN TO BE MADE.—The successors to the present and subsequent incumbents shall be elected by the electors, entitled to vote for members of the General Assembly of the whole State, at the general election held for such members, next preceding the expiration of their respective terms. (Prior to amendment of 1898 these judges were elected by the legislature.)

3. TERMS BEGIN, WHEN.—The terms of the judges to be elected under

the Constitution (except to fill vacancies) shall begin on the first day of January after their election. Every vacancy occasioned by death, resignation or other causes shall be filled by appointments of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.

#### SECTION IV. JURISDICTION OF SUPERIOR COURTS.

1. **EXCLUSIVE JURISDICTION.**—The superior court shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary; in cases respecting titles to land and equity cases.

2. **EQUITY MAY BE MERGED IN COMMON LAW COURTS.**—The General Assembly may confer upon the courts of common law all the powers heretofore exercised by courts of equity in this State.

3. **GENERAL JURISDICTION.**—Said courts shall have jurisdiction in all civil cases, except as hereinafter provided.

4. **APPELLATE JURISDICTION.**—They shall have appellate jurisdiction in all such cases as may be provided by law.

5. **CERTIORARI, MANDAMUS, ETC.**—They shall have power to correct errors in inferior judicatories, by writ of *certiorari*, which shall only issue on the sanction of the judge; and said courts and the judges thereof shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are or may be conferred on them by law.

6. **APPEAL FROM ONE JURY TO ANOTHER.**—The General Assembly may provide for an appeal from one jury, in the superior and city courts, to another, and the said court may grant new trials on legal grounds.

7. **JUDGMENT BY THE COURT.**—The court shall render judgment without the verdict of a jury, in all civil cases founded on unconditional contracts in writing, where an issuable defense is not filed under oath or affirmation.

8. **SESSIONS.**—The superior courts shall sit in each county not less than twice in each year, at such times as have been or may be appointed by law.

9. **PRESIDING JUDGE DISQUALIFIED.**—The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding judge is, from any cause, disqualified.

#### SECTION V. JUDGES OF SUPERIOR AND CITY COURTS.

1. **JUDGES OF SUPERIOR AND CITY COURTS MAY ALTERNATE, WHEN.**—In any county within which there is, or hereafter may be, a city court, the judge of said court, and of the superior court, may preside in the courts

of each other in cases where the judge of either court is disqualified to preside.

#### SECTION VI. COURT OF ORDINARY.

1. ORDINARY, APPEALS FROM.—The powers of a court of ordinary, and of probate, shall be vested in an ordinary for each county, from whose decision there may be an appeal (or, by consent of parties, without a decision) to the superior court, under regulations prescribed by law.

2. POWERS.—The courts of ordinary shall have such powers in relation to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes, and other county matters, as may be conferred on them by law.

3. TERM OF OFFICE.—The ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

#### SECTION VII. JUSTICES OF THE PEACE.

1. JUSTICES, NUMBER AND TERM.—There shall be in each militia district one justice of the peace, whose official term, except when elected to fill an unexpired term, shall be four years. (An amendment in 1912 provides that the General Assembly may in its discretion abolish justice courts and the office of justice of the peace and of notary public *ex officio* justice of the peace in any city of over 20,000 population, except Savannah, and establish a special court or courts in lieu thereof.)

2. JURISDICTION.—Justices of the peace shall have jurisdiction in all civil cases, arising *ex contractu*, and in cases of injuries or damages to personal property, when the principal sum does not exceed one hundred dollars, and shall sit monthly at fixed times and places; but in all cases there may be an appeal to a jury in said court, or an appeal to the superior court, under such regulations as may be prescribed by law.

3. ELECTIONS AND COMMISSION.—Justices of the peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

#### SECTION VIII. NOTARIES PUBLIC.

1. NOTARIES PUBLIC, HOW APPOINTED, ETC.—Commissioned notaries public, not to exceed one for each militia district, may be appointed by the judges of superior courts in their respective circuits, upon recommendation of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years, and shall be *ex officio* justices of the peace, and shall be removable on conviction for malpractice in office.

#### SECTION IX. UNIFORMITY OF COURTS.

1. UNIFORMITY PROVIDED FOR.—The jurisdiction, powers, proceedings and practice of all courts or officers invested with judicial powers (except

city courts), of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment and decree, by such courts, severally shall be uniform. This uniformity must be established by the General Assembly.

#### SECTION X. ATTORNEY-GENERAL.

1. ATTORNEY-GENERAL; ELECTION.—There shall be an attorney-general of this State, who shall be elected by the people at the same time, for the same term, and in the same manner as the Governor.

2. DUTIES.—It shall be the duty of the attorney-general to act as the legal adviser of the Executive Department, to represent the State in the Supreme Court in all capital felonies; and in all civil and criminal cases in any court when required by the Governor, and to perform such other services as shall be required of him by law.

#### SECTION XI. SOLICITOR-GENERAL.

1. SOLICITOR-GENERAL; TERM.—There shall be a solicitor-general for each judicial circuit, whose official term (except to fill a vacancy) shall be four years. The successors of present and subsequent incumbents shall be elected by the electors of the whole State, qualified to vote for members of the General Assembly, at the general election held next preceding the expiration of their respective terms. Every vacancy occasioned by death, resignation or other cause shall be filled by appointment of the Governor until the first day of January after the general election held next after the expiration of thirty days from the time such vacancy occurs, at which election a successor for the unexpired term shall be elected. (Clause of temporary force omitted.)

2. DUTIES.—It shall be the duty of the solicitor-general to represent the State in all cases in the superior courts of his circuit, and in all cases taken up from his circuit to the Supreme Court, and to perform such other services as shall be required of him by law.

#### SECTION XII. ELECTIONS OF JUDGES, ETC.

(Repealed.)

#### SECTION XIII. JUDICIAL SALARIES.

1. SALARIES OF JUDGES.—The judges of the Supreme Court shall have, out of the treasury of the State, salaries not to exceed three thousand dollars per annum, the judges of the superior courts shall have salaries not to exceed two thousand dollars per annum; the attorney-general shall have a salary not to exceed two thousand dollars per annum; and the solicitors-general each shall have salaries not to exceed two hundred and fifty dollars per annum, but the attorney-general shall not have any fee or perquisite in any cases arising after the adoption of this Constitution.

(The General Assembly has changed most of these salaries. This section of the constitution has also been amended to enable the counties of Chatham, Fulton, and Richmond to increase the salaries of the judges of the circuits in which they lie to five thousand dollars a year.)

2. **HOW SALARIES MAY BE CHANGED.**—The General Assembly may at any time, by a two-thirds vote of each branch, prescribe other and different salaries for any, or all, of the above officers, but no such change shall affect the officers then in commission.

#### SECTION XIV. QUALIFICATION OF JUDGES, ETC.

1. **QUALIFICATIONS.**—No person shall be judge of the Supreme or superior courts or attorney-general, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years; and no person shall be hereafter elected solicitor-general, unless, at the time of his election, he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

#### SECTION XV. DIVORCE.

1. **DIVORCE.**—No total divorce shall be granted, except on the concurrent verdicts of two juries at different terms of the court.

2. **LAST JURY DETERMINES DISABILITIES.**—When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.

#### SECTION XVI. VENUE.

1. **DIVORCE CASES, WHERE BROUGHT.**—Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides.

2. **LAND, TITLES, WHERE TRIED.**—Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the superior court in either county shall have jurisdiction.

3. **EQUITY CASES.**—Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

4. **SUITS AGAINST JOINT OBLIGORS, ETC.**—Suits against joint obligors, joint promisors, copartners, or joint trespassers, residing in different counties, may be tried in either county.

5. **SUITS AGAINST MAKER AND INDORSER, ETC.**—Suits against the maker and indorser of promissory notes, or drawer, acceptor and indorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

6. **ALL OTHER CASES.**—All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the superior courts where the judge is satisfied that an impartial jury cannot be obtained in such county.

#### SECTION XVII. CHANGE OF VENUE.

1. **POWER TO CHANGE VENUE.**—The power to change the venue in civil and criminal cases shall be vested in the superior courts, to be exercised in such manner as has been, or shall be, provided by law.

#### SECTION XVIII. JURY TRIALS.

1. **TRIAL BY JURY.**—The right of trial by jury, except where it is otherwise provided in this Constitution, shall remain inviolate, but the General Assembly may prescribe any number, not less than five, to constitute a trial or traverse jury in courts other than the superior and city courts.

2. **SELECTION OF JURORS.**—The General Assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors.

3. **COMPENSATION OF JURORS.**—It shall be the duty of the General Assembly, by general laws, to prescribe the manner of fixing compensation of jurors in all counties in this State.

#### SECTION XIX. COUNTY COMMISSIONERS.

1. **POWER TO CREATE COUNTY COMMISSIONERS.**—The General Assembly shall have power to provide for the creation of county commissioners in such counties as may require them, and to define their duties.

#### SECTION XX. WHAT COURTS MAY BE ABOLISHED.

1. **POWER TO ABOLISH COURTS.**—All courts not specially mentioned by name in the first section of this Article may be abolished in any county, at the discretion of the General Assembly.

#### SECTION XXI. SUPREME COURT COSTS.

1. **COSTS IN SUPREME COURT.**—The costs in the Supreme Court shall not exceed ten dollars, until otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said court when the usual pauper oath is filed in the court below.

### ARTICLE VII.

#### FINANCE, TAXATION AND PUBLIC DEBT.

##### SECTION I. POWER OF TAXATION.

1. **TAXATION, HOW AND FOR WHAT PURPOSE EXERCISED.**—The powers

of taxation over the whole State shall be exercised by the General Assembly for the following purposes only:

For the support of the State government and the public institutions.

For educational purposes, in instructing children in the elementary branches of an English education only.

To pay the interest on the public debt.

To pay the principal of the public debt.

To suppress insurrection, to repel invasion, and defend the State in time of war.

To supply the soldiers who lost a limb, or limbs, in the military service of the Confederate States, with substantial artificial limbs during life, and to make suitable provision for such Confederate soldiers as may have been otherwise disabled or permanently injured in such service; or who, by reason of age and poverty, or infirmity and poverty, or blindness and poverty, are unable to provide a living for themselves; and for the widows of such Confederate soldiers as may have died in the service of Confederate States, or since from wounds received therein, or disease contracted therein: *Provided*, this paragraph shall only apply to such widows as were married at the time of such service and have remained unmarried since the death of such soldier husbands.

To make provision for the payment of pensions to any ex-Confederate soldier, now resident of this State, who enlisted in the military service of this State, or who enlisted in the military service of the Confederate States, during the civil war between the States of the United States, and who performed actual military service in the armies of the Confederate States, or the organized militia of this State, and was honorably discharged therefrom, and to widows, now residents of this State, of ex-Confederate soldiers who enlisted in the military service of this State, or who enlisted in the military service of the Confederate States, and who performed actual service in the armies of the Confederate States, or of the organized militia of this State, who died in said military service, or was honorably discharged therefrom: *Provided*, that no person shall be entitled to the provisions of this Constitutional amendment the total value of whose property, of every description, including money and choses in action, shall exceed fifteen hundred dollars, and *provided further*, that only those widows who were married to such soldier or ex-soldier previous to the year 1870 shall be entitled to the provisions of this Constitutional amendment. No widow of a soldier killed during the war shall be deprived of her pension by reason of having subsequently married another veteran, who is dead, unless she receives a pension on account of being the widow of such second husband. (This pension system is the result of a number of amendments, adopted in 1885, 1889, 1900, 1909, and 1912.)

2. LEVY OF TAXES LIMITED.—The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasion, suppressing insurrection, or defending the State in

time of war, shall not exceed five mills on each dollar of the value of the property taxable in the State. (Amendment of 1904.)

## SECTION II. TAXATION AND EXEMPTIONS.

1. **MUST BE UNIFORM, ETC.**—All taxation shall be uniform upon the same class of subjects, and *ad valorem* on all property subject to be taxed within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may, however, impose a tax upon such domestic animals as, from their nature and habits, are destructive of other property.

2. **EXEMPTIONS.**—The General Assembly may, by law, exempt from taxation all public property, places of religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus; and all paintings and statuary of any company or association, kept in a public hall, and not held as merchandise, or for purposes of sale or gain: *Provided*, the property so exempted be not used for purposes of private or corporate profit or income. The General Assembly shall, further, have power to exempt from taxation farm products, including baled cotton, grown in this State and remaining in the hands of the producer, but not longer than for the year next after their production. (As amended in 1912.)

3. **POLL TAX.**—No poll tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually, upon each poll.

4. **LAWS EXEMPTING PROPERTY VOID.**—All laws exempting property from taxation, other than the property herein enumerated, shall be void.

5. **TAX ON CORPORATIONS.**—The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

6. All persons or classes of persons who were, by laws of force, January 1st, 1911, required to make returns for taxation to the comptroller-general, and all who may hereafter be so required, shall, on or before the first day of March of each year, make such returns as of date of January 1st of that year, and shall pay the taxes arising on such returns in favor of the State on or before the first of September of the same year.

## SECTION III. STATE DEBT.

1. **DEBTS; FOR WHAT CONTRACTED.**—No debt shall be contracted by or on behalf of the State, except to supply such temporary deficit as may exist in the Treasury in any year from necessary delay in collecting the taxes of that year, to repel invasion, suppress insurrection, and defend the State in time of war, or to pay the existing public debt; but the debt created to supply deficiencies in revenue shall not exceed, in



the aggregate, five hundred thousand dollars, and any loan made for this purpose shall be repaid out of the taxes levied for the year in which the loan is made. (As amended in 1912.)

#### SECTION IV. DEBT, HOW CONTRACTED.

1. FORM OF LAWS TO BORROW MONEY.—All laws authorizing the borrowing of money by or on behalf of the State shall specify the purposes for which the money is to be used, and the money so obtained shall be used for the purpose specified, and for no other.

#### SECTION V. STATE AID.

1. STATE AID FORBIDDEN.—The credit of the State shall not be pledged or loaned by any individual, company, corporation or association, and the State shall not become a joint owner or stockholder in any company, association or corporation.

#### SECTION VI. PURPOSES OF TAXATION BY COUNTIES AND CITIES.

1. RESTRICTIONS ON COUNTIES AND CITIES.—The General Assembly shall not authorize any county, municipal corporation, or political division of this State, to become a stockholder in any company, corporation, or association, or to appropriate money for, or to loan its credit to, any corporation, company, association, institution, or individual, except for purely charitable purposes. This restriction shall not operate to prevent the support of schools by municipal corporations within their respective limits: *Provided*, that if any municipal corporation shall offer to the State any property for locating or building a capitol, and the State accepts such offer, the corporation may comply with such offer.

2. TAXING POWER OF COUNTIES LIMITED.—The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes; to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of courts; to support paupers and pay debts heretofore existing; to pay the county police, and to provide for necessary sanitation. (As amended in 1910.)

#### SECTION VII. LIMITATION ON MUNICIPAL DEBTS.

1. DEBT OF COUNTIES AND CITIES NOT TO EXCEED SEVEN PER CENT.—The debt hereafter incurred by any county, municipal corporation, or political division of this State, except as in this Constitution provided for, shall not exceed seven per centum of the assessed value of all the taxable property therein, and no such county, municipality, or division, shall incur any new debt, except for a temporary loan or loans to supply casual deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of taxable property therein, without the assent of two-thirds of the qualified voters thereof, at an election for that purpose, to

be held as may be prescribed by law; but any city, the debt of which does not exceed seven per centum of the assessed value of the taxable property at the time of the adoption of this Constitution, may be authorized by law to increase, at any time, the amount of said debt, three per centum upon such assessed valuation. (An amendment in 1900 permits Augusta to increase its debt for protection against floods.)

2. COUNTY AND CITY BONDS, HOW PAID.—Any county, municipal corporation, or political division of this State, which shall incur any bonded indebtedness under the provisions of this Constitution, shall, at or before the time of so doing, provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said debt within thirty years from the date of the incurring of said indebtedness.

#### SECTION VIII. ASSUMPTION OF DEBT.

1. ASSUMPTION OF DEBTS FORBIDDEN.—The State shall not assume the debt, nor any part thereof, of any county, municipal corporation, or political division of the State, unless such debt shall be contracted to enable the State to repel invasion, suppress insurrection, or defend itself in time of war.

#### SECTION IX. PUBLIC MONEY.

1. PROFIT ON PUBLIC MONEY.—The receiving, directly or indirectly, by any officer of the State or county, or member or officer of the General Assembly, of any interests, profits or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State or county purposes, shall be deemed a felony, and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

#### SECTION X. CITY DEBTS.

1. CITY DEBTS, HOW INCURRED.—Municipal corporations shall not incur any debt until provision therefor shall have been made by the municipal government.

#### SECTION XI. VOID BONDS.

1. CERTAIN BONDS SHALL NOT BE PAID.—The General Assembly shall have no authority to appropriate money, directly or indirectly, to pay the whole, or any part, of the principal or interest of the bonds, or other obligations, which have been pronounced illegal, null and void, by the General Assembly, and the constitutional amendments ratified by a vote of the people on the first day of May, 1877; nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the late war between the States, nor any of the bonds, notes, or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the

ratification of a treaty of peace between the United States and the Confederate States; nor shall the General Assembly pass any law, or the Governor, or other State official, enter into any contract or agreement, whereby the State shall be made a party to any suit in any court of this State, or of the United States, instituted to test the validity of any such bonds or obligations.

#### SECTION XII. PUBLIC DEBT NOT TO BE INCREASED.

1. BONDED DEBT NOT TO INCREASE.—The bonded debt of the State shall never be increased, except to repel invasion, suppress insurrection, or to defend the State in time of war.

#### SECTION XIII. PUBLIC PROPERTY PLEDGED FOR STATE'S DEBT.

1. STATE'S PROPERTY MAY BE SOLD TO PAY BONDED DEBT.—The proceeds of the sale of the Western and Atlantic, Macon and Brunswick, or other railroads held by the State, and any other property owned by the State, whenever the General Assembly may authorize the sale of the whole, or any part thereof, shall be applied to the payment of the bonded debt of the State, and shall not be used for any other purpose whatever, so long as the State has any existing bonded debt: *Provided*, that the proceeds of the sale of the Western and Atlantic Railroad shall be applied to the payment of the bonds for which said railroad has been mortgaged, in preference to all other bonds.

#### SECTION XIV. SINKING FUND.

1. SINKING FUND.—The General Assembly shall raise by taxation each year, in addition to the sum required to pay the public expenses and interests on the public debt, the sum of one hundred thousand dollars, which shall be held as a sinking fund to pay off and retire the bonds of the State which have not yet matured, and shall be applied to no other purpose whatever. If the bonds cannot at any time be purchased at or below par, then the sinking fund, herein provided for, may be loaned by the Governor and treasurer of the State: *Provided*, the security which shall be demanded for said loan shall consist only of the valid bonds of the State; but this section shall not take effect until the eight per cent currency bonds, issued under the Act of February 19th, 1873, shall have been paid.

#### SECTION XV. REPORTS.

1. QUARTERLY REPORTS OF COMPTROLLER AND TREASURER.—The comptroller-general and treasurer shall each make to the Governor a quarterly report of the financial condition of the State, which report shall include a statement of the assets, liabilities and income of the State, and expenditures therefor, for the three months preceding; and it shall be the duty of the Governor to carefully examine the same by himself, or through competent persons connected with his department, and

cause an abstract thereof to be published for the information of the people, which abstract shall be indorsed by him as having been examined.

#### SECTION XVI. DONATIONS.

1. DONATIONS FORBIDDEN.—The General Assembly shall not, by vote, resolution, or order, grant any donation, or gratuity, in favor of any person, corporation, or association.

2. EXTRA COMPENSATION FORBIDDEN.—The General Assembly shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered, or the contract entered into.

#### SECTION XVII. PUBLIC PRINTING.

1. PUBLIC PRINTING.—The office of the State printer shall cease with the expiration of the term of the present incumbent, and the General Assembly shall provide, by law, for letting the public printing to the lowest responsible bidder, or bidders, who shall give adequate and satisfactory security for the faithful performance thereof. No member of the General Assembly, or other public officer, shall be interested, either directly or indirectly, in any such contract.

### ARTICLE VIII.

#### EDUCATION.

##### SECTION I. COMMON SCHOOLS.

1. COMMON SCHOOLS.—There shall be a thorough system of common schools for the education of children, as nearly uniform as practicable, the expenses of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races. (As amended in 1912.)

##### SECTION II. SCHOOL COMMISSIONER.

1. STATE SCHOOL COMMISSIONER.—There shall be a State school commissioner, elected by the people at the same time and manner as the Governor and State House officers are elected, whose term of office shall be two years, and until his successor is elected and qualified. His office shall be at the seat of government, and he shall be paid a salary not to exceed two thousand dollars per annum. The General Assembly may substitute for the State school commissioner such officer, or officers, as may be deemed necessary to perfect the system of public education. (Prior to Amendment of 1896, the commissioner was appointed by the governor.)

##### SECTION III. SCHOOL FUND.

1. SCHOOL FUND.—The poll tax, any educational fund now belonging to the State (except the endowment of, and debt due to, the University

of Georgia), a special tax on shows and exhibitions, and on the sale of spirituous and malt liquors, which the General assembly is hereby authorized to assess, and the proceeds of any commutation tax for military service, and all taxes that may be assessed on such domestic animals as, from their nature and habits, are destructive to other property, are hereby set apart and devoted for the support of common schools.

#### SECTION IV. EDUCATIONAL TAX.

1. LOCAL TAXATION FOR PUBLIC SCHOOLS.—Authority may be granted to counties, militia districts, school districts, and to municipal corporations upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits, by local taxation; but no such local laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county, militia district, school district, or municipal corporation, and approved by a two-thirds majority of those voting at such election; and the General Assembly may prescribe who shall vote on such questions. (Militia districts and school districts added by amendment of 1904.)

#### SECTION V. LOCAL SYSTEMS.

1. LOCAL SCHOOLS NOT AFFECTED.—Existing local school systems shall not be affected by this Constitution. Nothing contained in first section of this article shall be construed to deprive schools in this State, not common schools, from participation in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

#### SECTION VI. UNIVERSITY OF GEORGIA.

1. STATE UNIVERSITY.—The trustees of the University of Georgia may accept bequests, donations and grants of land, or other property, for the use of said University. In addition to the payment of the annual interest on the debt due by the State to the University, the General Assembly may, from time to time, make such donations thereto as the condition of the treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the treasury will authorize, to any college or university (not exceeding one in number) now established, or hereafter to be established, in this State for the education of persons of color.

### ARTICLE IX.

#### HOMESTEAD AND EXEMPTIONS.

##### SECTION I. HOMESTEAD.

1. HOMESTEAD AND EXEMPTION.—There shall be exempt from levy and sale, by virtue of any process whatever under the laws of this State, except as hereinafter excepted, of the property of every head of

a family, or guardian or trustee of a family of minor children, or every aged or infirm person, or person having the care and support of dependent females of any age, who is not the head of the family, realty or personalty, or both, to the value in the aggregate of sixteen hundred dollars.

## SECTION II. EXEMPTION.

**I. PROTECTION GUARANTEED.**—No court or ministerial officer in this State shall ever have jurisdiction or authority to enforce any judgment, execution or decree, against the property set apart for such purpose, including such improvements as may be made thereon from time to time, except for taxes, for the purchase money of the same, for labor done thereon, for material furnished therefor, or for the removal of incumbrances thereon.

## SECTION III. WAIVER OF HOMESTEAD.

**I. MAY BE WAIVED, HOW FAR; HOW SOLD.**—The debtor shall have power to waive or renounce in writing his right to the benefit of the exemption provided for in this Article, except as to wearing apparel, and not exceeding three hundred dollars worth of household and kitchen furniture, and provisions, to be selected by himself and his wife, if any, and he shall not, after it is set apart, alienate or encumber the property so exempted, but it may be sold by the debtor, and his wife, if any, jointly, with the sanction of the judge of the superior court of the county where the debtor resides or the land is situated, the proceeds to be reinvested upon the same uses.

## SECTION IV. HOMESTEAD SET APART, HOW.

**I. SETTING APART SHORT HOMESTEAD.**—The General Assembly shall provide, by law, as early as practicable, for the setting apart and valuation of said property. But nothing in this Article shall be construed to affect or repeal the existing laws for exemption of property from sale, contained in the present Code of this State, in paragraphs 2040 to 2049, inclusive, and the acts amendatory thereto. It may be optional with the applicant to take either, but not both, of such exemptions.

## SECTION V. SHORT HOMESTEAD WAIVED.

**I. SHORT HOMESTEAD MAY BE WAIVED.**—The debtor shall have authority to waive or renounce in writing his right to the benefit of the exemption provided for in section four, except as is excepted in section three of this Article.

## SECTION VI. HOMESTEAD SUPPLEMENTED.

**I. SUPPLEMENTAL HOMESTEAD.**—The applicant shall at any time have the right to supplement his exemption by adding to an amount already set apart, which is less than the whole amount of exemption herein allowed, a sufficiency to make his exemption equal to the whole amount.

## SECTION VII. FORMER HOMESTEADS PRESERVED.

1. HOMESTEADS HERETOFORE SET APART.—Homesteads and exemptions of personal property which have been heretofore set apart by virtue of the provisions of the existing Constitution of this State, and in accordance with the laws for the enforcement thereof, or which may be hereafter so set apart, at any time, shall be and remain valid as against all debts and liabilities existing at the time of the adoption of this Constitution, to the same extent that they would have been had said existing Constitution not been revised.

## SECTION VIII. PRIOR RIGHTS TO EXEMPTION PRESERVED.

1. VESTED RIGHTS PROTECTED.—Rights which have become vested under previously existing laws shall not be affected by anything herein contained. In all cases in which homesteads have been set apart under the Constitution of 1868, and the laws made in pursuance thereof, and a *bona fide* sale of such property has been subsequently made and the full purchase price thereof has been paid, all right of exemption in such property by reason of its having been so set apart shall cease in so far as it affects the right of the purchaser. In all such cases where a part only of the purchase price has been paid, such transactions shall be governed by the laws now of force in this State, in so far as they affect the rights of the purchaser, as though said property had not been set apart.

## SECTION IX. SALE OF HOMESTEAD.

1. SALE AND REINVESTMENT OF HOMESTEAD.—Parties who have taken a homestead of realty under the Constitution of 1868 shall have the right to sell said homestead and reinvest the same, by order of the judge of the superior courts of this State.

## ARTICLE X.

## MILITIA.

## SECTION I. MILITIA AND VOLUNTEERS.

1. ORGANIZATION OF MILITIA.—A well regulated militia being essential to the peace and security of the State, the General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed, and equipped; and of whom it shall consist.

2. VOLUNTEERS.—The General Assembly shall have power to authorize the formation of volunteer companies, and provide for their organization into battalions, regiments, brigades, divisions and corps, with such restrictions as may be prescribed by law, and shall have authority to arm and equip the same.

3. PAY OF MILITIA.—The officers and men of the militia and volunteer

forces shall not be entitled to receive any pay, rations, or emoluments, when not in active service by authority of the State.

## ARTICLE XI.

### COUNTIES AND COUNTY OFFICERS.

#### SECTION I. COUNTIES.

1. COUNTIES ARE CORPORATE BODIES.—Each county shall be a body corporate, with such powers and limitations as may be prescribed by law. All suits by or against a county shall be in the name thereof; and the metes and bounds of the several counties shall remain as now prescribed by law, unless changed as hereinafter provided.

2. NEW COUNTIES.—No new county shall be created. (An amendment of 1904 changed this paragraph to the following: There shall not be more than 145 counties in this State. But an amendment of 1906 added a new county, Ben Hill; and another amendment in 1912 added Wheeler and Bleckley counties, so that there are now 148 counties.)

3. CHANGE OF COUNTY LINES.—County lines shall not be changed unless under the operation of a general law for that purpose.

4. CHANGE OF COUNTY SITES.—No county site shall be changed or removed except by a two-thirds vote of the qualified voters of the county, voting at an election held for that purpose, and a two-thirds vote of the General Assembly.

5. DISSOLUTION OF COUNTIES.—Any county may be dissolved and merged with contiguous counties by a two-thirds vote of the qualified electors of such county, voting at an election held for that purpose.

#### SECTION II. COUNTY OFFICERS.

1. COUNTY OFFICERS.—The county officers shall be elected by the qualified voters of their respective counties, or districts, and shall hold their offices for two years. They shall be removed on conviction for malpractice in office, and no person shall be eligible to any of the offices referred to in this paragraph, unless he shall have been a resident of the county for two years and is a qualified voter.

#### SECTION III. UNIFORMITY IN COUNTY OFFICERS.

1. COUNTY OFFICERS TO BE UNIFORM.—Whatever tribunal, or officers, may hereafter be created by the General Assembly for the transaction of county matters shall be uniform throughout the State, and of the same name, jurisdiction and remedies, except that the General Assembly may provide for the appointment of commissioners of roads and revenues in any county.

#### SECTION IV. STATE CAPITAL.

1. CAPITAL IN ATLANTA.—The city of Atlanta shall be the capital of



the State, until changed by the same authority, and in the same way, that is provided for the alteration of this Constitution.

## ARTICLE XII.

### THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE.

#### SECTION I.

1. SUPREME LAW, WHAT IS.—The laws of general operation in this State are, first, as the supreme law: The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States.

2. SECOND IN AUTHORITY.—Second, as next in authority thereto: This Constitution.

3. THIRD IN AUTHORITY.—Third, in subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution, and the ordinances of this Convention, shall remain of force until the same are modified or repealed by the General Assembly. The tax acts and appropriation acts passed by the General Assembly of 1877, and approved by the Governor of the State, and not inconsistent with the Constitution, are hereby continued in force until altered by law.

4. LOCAL AND PRIVATE ACTS.—Local and private acts passed for the benefit of counties, cities, towns, corporations, and private persons, not inconsistent with the supreme law, nor with this Constitution, and which have not expired nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

5. VESTED RIGHTS SECURED.—All rights, privileges and immunities which may have been vested in, or accrued to any person or persons, or corporation in his, her or their own right, or in any fiduciary capacity, under and in virtue of any act of the General Assembly, or any judgment, decree or order, or other proceeding of any court of competent jurisdiction in this State, heretofore rendered, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

6. ACTS OF COURTS CONFIRMED.—All judgments, decrees, orders, and other proceedings, of the several courts of this State heretofore made, within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversal by motion for a new trial, appeal, bill of review, or other proceeding, in conformity with the law of force when they were made.

7. EXISTING OFFICERS.—The officers of the government now existing shall continue in the exercise of their several functions until their successors are duly elected or appointed, and qualified; but nothing herein is to apply to any officer whose office may be abolished by this Constitution.

8. ORDINANCES.—The ordinances of this Convention shall have the force of laws until otherwise provided by the General Assembly, except

the ordinances in reference to submitting the homestead and capital question to a vote of the people, which ordinances, after being voted on, shall have the effect of constitutional provisions.

### ARTICLE XIII.

#### AMENDMENTS TO THE CONSTITUTION.

##### SECTION I.

1. CONSTITUTION, HOW AMENDED.—Any amendment or amendments to this constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to, by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon. And the General Assembly shall cause such amendment or amendments to be published in one or more newspapers in each congressional district, for two months previous to the time of holding the next general election, and shall also provide for a submission of such proposed amendment or amendments to the people at said next general election, and if the people shall ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of this Constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

2. CONVENTION, HOW CALLED.—No convention of the people shall be called by the General Assembly to revise, amend, or change this Constitution unless by a concurrence of two-thirds of all the members of each house of the General Assembly. The representation in said convention shall be based on population as near as practicable.

##### SECTION II.

(This section provides for the submission of the Constitution to a vote of the people, for ratification or rejection.)

The Constitution was ratified by a vote of the people at an election held on the fifth day of December, 1877.

The Convention which adopted the Constitution met on the eleventh day of July, and adjourned on the twenty-fifth day of August, 1877.

The amendments that have been adopted are incorporated in the Constitution as above given, and the dates of the more important amendments are inserted. Students may compare the original with the amended paragraphs by referring to McElreath's *Treatise on the Constitution of Georgia*.

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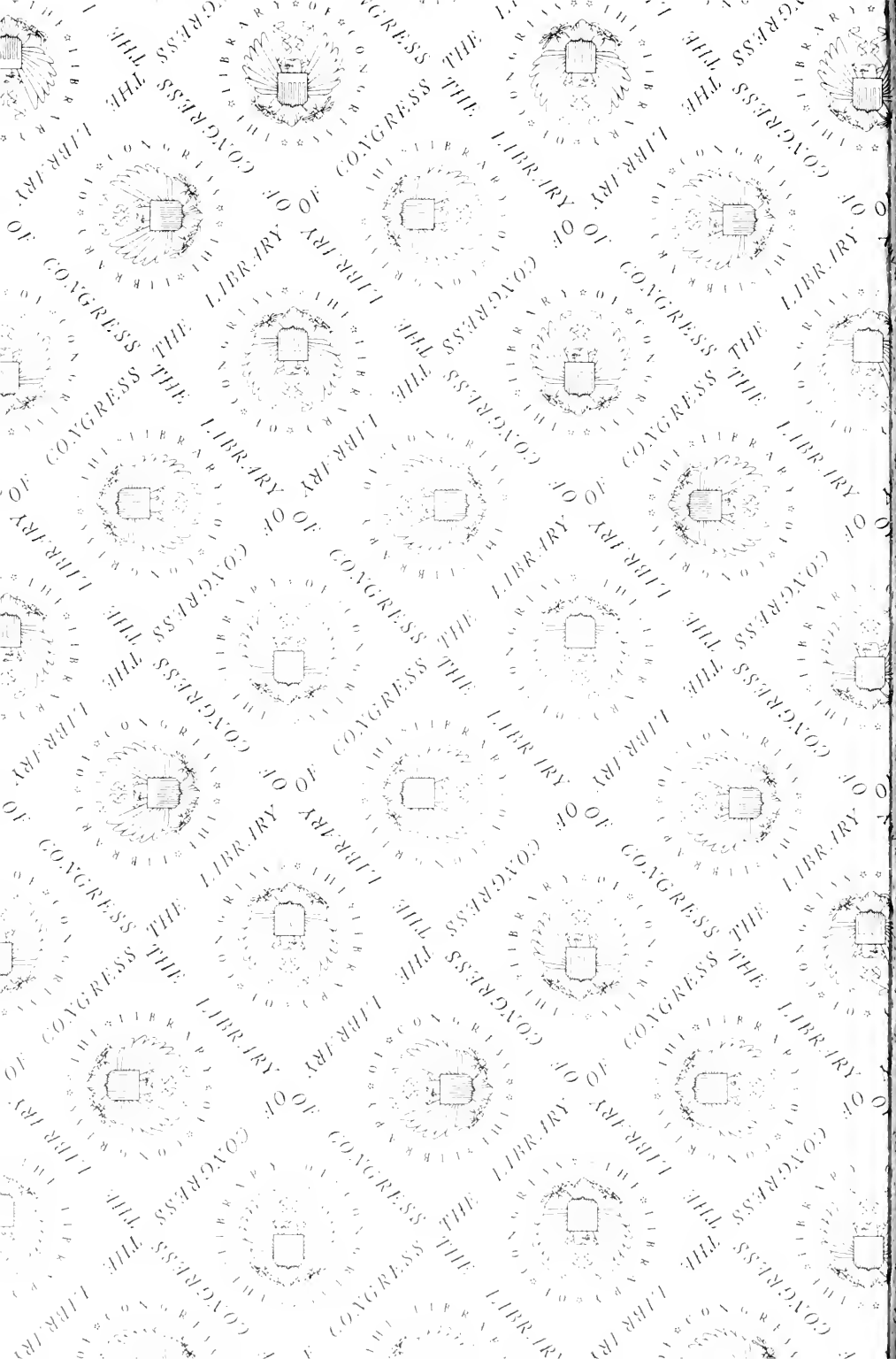
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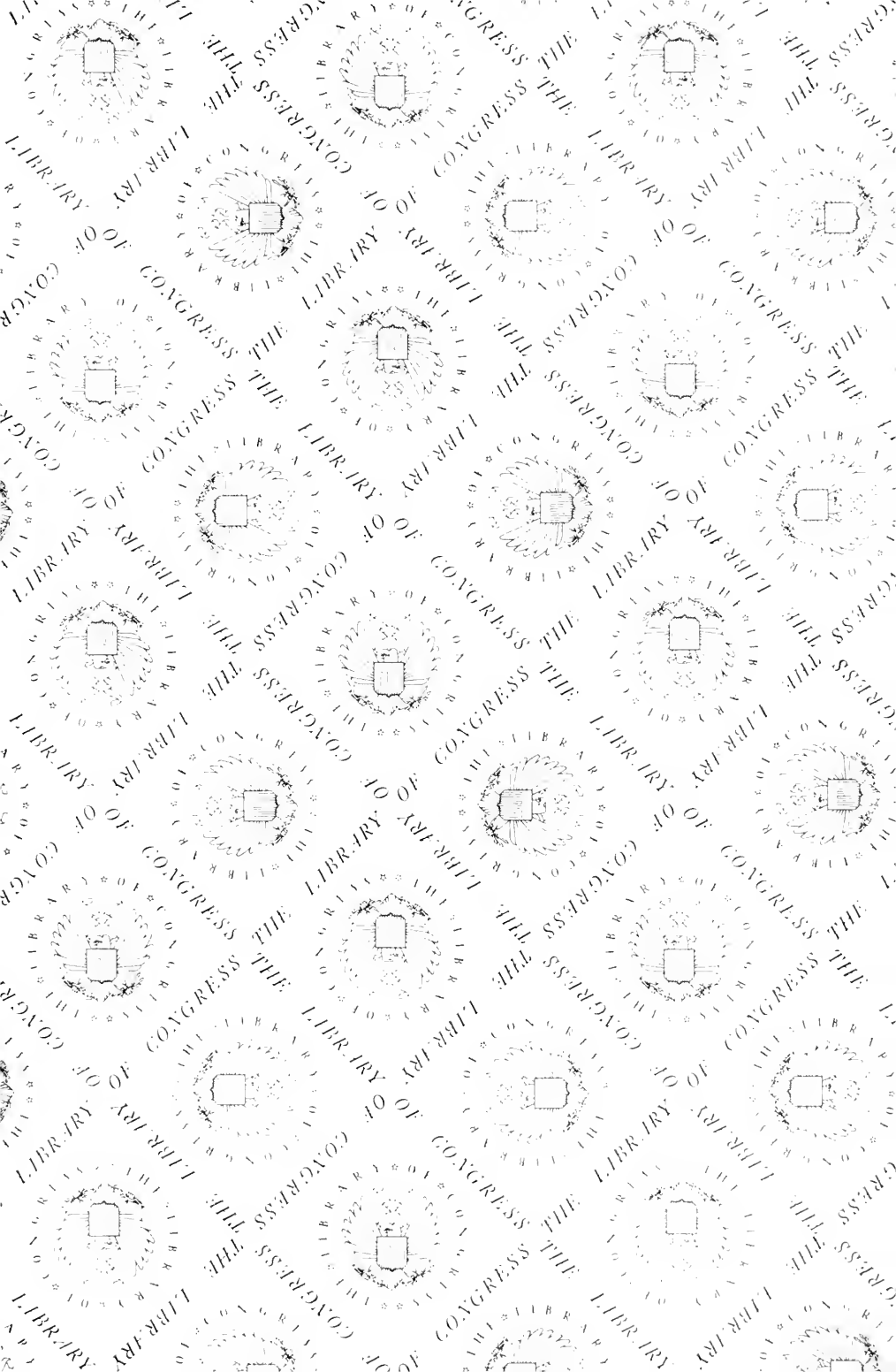












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